

INQUIRY

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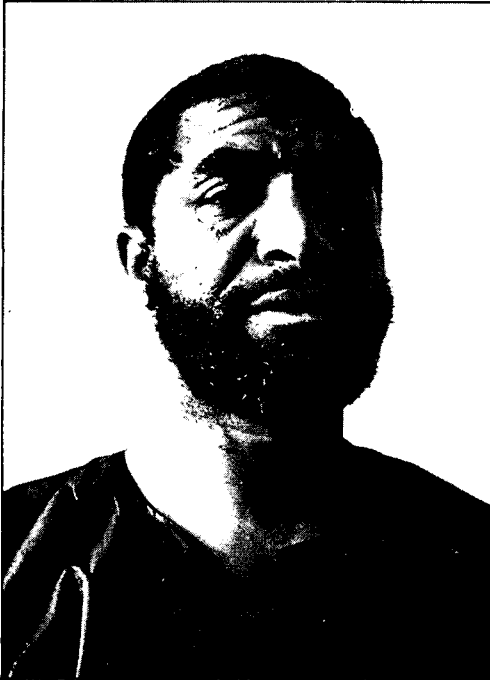
Civil Defense: Carter's Idiot Arithmetic
Who's Running John Connally for President?
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Cops vs. Everybody: **TEXAS JUSTICE**

By Glenn Garvin



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INQUIRY[®]

JANUARY 8 & 22, 1979

When police go wild

GLENN GARVIN p. 14

Chile's Murder, Inc.

JOHN DINGES p. 18

Inquiries p. 2

First Amendment

After Farber: The illusions of the press, by Nat Hentoff p. 4

Politics

Civil defense: Carter's idiot arithmetic, by Sidney Lens p. 6

The money's on Connally, by Alan Crawford p. 9

Law

Police spying in Los Angeles, by Jeff Gottlieb p. 11

Books

Reviews by Alfred de Zayas, Joseph R. Peden, Barton J. Bernstein & Stephen Chapman p. 22

Film

Movie Movie & The Wiz, Reviewed by Stephen Harvey p. 30

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**RES
PUBLICA**

Law and order

■ Former [Houston] Police Chief Carroll Lynn wanted \$350,000 stolen from the police property room and used to finance the killings of "people he thought shouldn't be living," according to testimony from a man who says he saw the hit list. . . .

[J.L.] Patterson, an electronics specialist who served time in federal prison for defrauding a telephone company, said the list Lynn gave him contained the names of "people that he thought shouldn't be living. He was concerned and upset that the town couldn't be cleaned up lawfully. The money was to be used to clean up the town."

—Washington Post, Dec. 2, 1978

It probably wouldn't have been much fun under the best of circumstances

■ The Department of Energy said Friday that approximately three-quarters of the A-1 model Polaris nuclear warheads deployed on submarines in the mid-1960's were probably "duds" because of mechanical defects. . . . The department said that "truly catastrophic conditions" could have resulted if the United States had been at war.

—New York Times, Dec. 3, 1978

After all, an army does travel on its stomach

■ The Army has ordered a crackdown on sexual fraternization between male and female soldiers of different ranks because of "an increasing number of incidents of inappropriate relationships." The move follows a study that reported a "creeping advance of sex fraternization throughout the Army."

—New York Times, Dec. 5, 1978

And instead of saying "Kahn," we'll say "turkey"

■ President Carter's chief inflation fighter, Alfred Kahn, said yesterday he will never again use the word "depression" in public. Instead, he will say "banana."

—San Francisco Chronicle, Nov. 29, 1978

Question: Is Tom Brokaw still in business?

■ Only 30 of 3,400 concerns that have received aid in the last 10 years under the Small Business Administration's program to assist minority businessmen in developing their own companies are known still to be in operation.

"These are the only ones we've found," A. Vernon Weaver, chief of the agency, said after a Senate hearing. "There may be others."

—New York Times, Dec. 5, 1978

We always wondered what they used those little calculators for

■ [Former Japanese Prime Minister Kakuei] Tanaka is in his element in this backstage struggle [for leadership of the Liberal-Democratic Party] . . . where money plays a big role. . . . "We cannot always tell how a man will vote," a staffer said, "but we reckon that if a man in Parliament has received \$107,000 from us and half that amount from the opposing camp, then he will vote with us 9 times out of 10. That is what experience shows."

—New York Times, Nov. 20, 1978

Especially since you're not supposed to imprison their relatives

■ Israeli forces cordoned off two villages in the occupied West Bank before daybreak today and bulldozed houses where two Arabs detained as terrorists had lived with their families. . . . Military sources said later that those evicted were relatives of guerrillas who had slain Arabs suspected of collaborating with the Israel military government and Israeli civilians. . . .

An Israeli official said the demolitions were more effective than imprisonment as a deterrent to guerrilla activity.

—New York Times, Dec. 5, 1978

Learning about the Fourth Amendment the hard way

■ A Federal judge in Brooklyn yesterday set aside a jury verdict that had cleared the Board of Education of charges of improperly stripping a 15-year-old high-school girl in a search for a small pipe used for smoking marijuana. Judge John F. Dooling Jr. said that telling the girl, Melba Moore, to take her jeans off was as a matter of law "an unreasonably intrusive search."

—New York Times, Nov. 10, 1978

Unanswered questions

The Letelier case

ON JANUARY 8, THE UNITED STATES government begins the prosecution of eight defendants—including three former members of the Chilean secret police who have not yet been extradited—for plotting the 1976 assassination of former Chilean ambassador Orlando Letelier. Unfortunately, as John Dinges shows elsewhere in this issue, the trial will reveal only a fraction of what government investigators have learned over the last two years about the extent of Chilean and Cuban exile operations in this hemisphere. Indeed, the key prosecution witness, Chilean agent Michael Townley, has agreed to testify only if the trial does not deal with his involvement in other murder plots.

The Letelier killing grew out of a new turn to terrorism by anticommunist Cuban exiles that had reached epidemic proportions by 1974. Between 1974 and 1977 Miami was rocked by more than a hundred bombings; militant exiles also carried their violence into Argentina, Panama, Guatemala, Trinidad and Tobago, Colombia, and Mexico. Their two most notorious operations were the Letelier slaying and the bombing in October 1976 of a Cuban plane, killing all 73 people aboard.

The close ties between the exiles and American intelligence agencies raise crucial questions that the Letelier trial will not answer: In particular, did the United States have advance knowledge of the murders plotted by Chileans and Cuban exiles?

The exiles, of course, were protégés of the CIA. "We learned from them," Cuban leader Armando Lopez Estrada told "CBS Reports" in 1977. "We use the tactics that we learned from the CIA, because we—we were trained to do everything. We are trained to set off a bomb; we were trained to kill; . . . so we had that experience."

The CIA—and some embittered exile leaders—maintain that the agency no longer supports the militant exile groups. But clearly the CIA has not completely severed the relationship. One Cuban exile told CBS that the exile groups "have contact" with their former CIA case officers, talking privately to them and receiving "very good advice." The CIA allegedly supported the recruitment of Cuban exiles as mercenaries to fight in Angola, much as it had used them in the Congo back in the 1960s.

The CIA also maintained cordial relations with DINA, the former Chilean secret police organization that financed many exile operations including the Letelier assassination. The Ford administration gave DINA chief Colonel Manuel Contreras, now under indictment in the Letelier case, the red carpet treatment during his secret trip to Washington in 1975. Reportedly, CIA Deputy Director Vernon Walters was

on hand to greet him.

The CIA's close relationship with both DINA and the Cuban exiles puts it in a good position to know about their operations. Both the Cuban airplane bombing and the Letelier murder were planned at a meeting of DINA agents and exile leaders in the Dominican Republic in June 1976. That meeting, which united the most militant exiles into a common front under the leadership of Orlando Bosch, was reportedly organized by longtime CIA agent Sacha Volman.

Former CIA agent Ricardo Morales, now a member of the Venezuelan intelligence service (DISIP), learned the identity of some of the Letelier plotters from his former friend Bosch, now jailed in Venezuela for his part in the Cuban airplane bombing. And Morales almost certainly knew in advance about the bombing conspiracy from having wiretapped one of Bosch's closest associates—if Bosch himself did not tell Morales.

Did the CIA learn from either Morales or Sacha Volman of the Letelier and Cuban airplane plotting? Morales had informed on Bosch and other exile leaders to the FBI for several years. Did he not warn the FBI about the plans hatched at the June meeting?

We also know, from the *Miami Herald*, that the FBI had infiltrated an informant into the highest levels of Brigade 2506, a leading exile organization represented at the Dominican meeting. That informant helped the FBI break up many illegal exile operations, including one by Armando Lopez. Did this informant never mention the Letelier and Cuban airplane plots?

These questions, speculative as they are, need answering. The wave of exile terrorism that has engulfed the Americas will continue if our intelligence agencies secretly choose to ignore these illegal operations. The Letelier trial will not give us the answers we need. A full public congressional investigation—not just another intelligence committee hearing in executive session—is essential. □

A witch hunt in the making?

Cult phobia

THE MURDER OF CONGRESSMAN LEO Ryan and several journalists, and the suicide or murder of more than nine hundred members of the Peoples Temple in Guyana, have frightened the American people and created an immediate and contagious hostility toward "cults." Crackdown and persecution are in the air. An editorial in the *New York Post* demands "prompt congressional hearings to explore and expose the fanatics and racketeers who prey on lost kids and eventually hold many of them as terrorized captives. No cry of 'witch hunt' can justify opposition to such disclosure."

Now, certainly, investigation of the clearly illegal or injurious activities of any religious or quasi-religious therapeutic movement is justified. What is disconcerting, however, is the tendency—all too evident in most media treatments of the subject—to question the legitimacy of unconventional “cults.” In the aftermath of the mass suicides the views of anticult activists have dominated the media, equating all cults and communal movements with the Peoples Temple and reviving charges of “brainwashing” against these strange and unorthodox movements. These same activists usually look with favor on the activities of religious “deprogrammers,” who kidnap “cult” converts and subject them to counterindoctrination.

“Brainwashing” is a misleading metaphor that has come to be used as an explanation for intense commitments that strike us as otherwise incomprehensible. However, as Thomas Szasz has noted, one cannot “wash” a brain any more than one can make someone bleed with a “cutting” remark. “Brainwashing” is a pseudopsychological term that purports to label a complex social phenomenon but actually adds nothing to our understanding of it.

Persons who, for whatever reason, once accepted a bizarre mystique, may subsequently find it convenient or comforting to describe themselves as having been brainwashed because this absolves them of responsibility for their error. They are thus seen as involuntary victims.

Likewise, those who oppose cults and other similar movements can use charges of brainwashing as a pretext for denying to members of such groups the right to their beliefs. This, of course, is the justification used by “deprogrammers,” who regard rights as belonging exclusively to autonomous, responsible beings, and not to putative human robots or zombies.

The concept of “coercive persuasion,” which was developed by Lifton, Schein, and others to explain the conduct of American POWs in the Korean War, although somewhat less obscurantist than the concept of “brainwashing,” is also misleading. While it does explain some aspects of the process of conversion by cults such as the Unification Church or Hare Krishna, it “explains away” other elements. The degree of isolation or “milieu control” within the Unification Church cannot be reasonably equated with the situation within POW camps where armed guards, cells, and fences limit the options of those inside. College students who join the Unification Church or its campus front are now often urged to stay in school rather than drop out for full-time movement work; “Moonies” witnessing on the street are exposed to numerous influences that the church cannot directly control.

The problem with labels such as “cult,” “brainwashing,” and “coercive persuasion” is not just that they oversimplify, but that they tend to become substitutes for the complex realities to which they refer. The labels obscure the differences that do exist among even relatively authoritarian communal movements. Hare Krishna, for example, is notably less seductive than the Moon movement. One can remain on the fringes of a Krishna temple—chanting and taking ritual meals but never really becoming a devotee—without being heavily pressured to make a full commitment. The Krishnas have no real analogue to the “love bombing” technique the Moonies use to overwhelm potential converts with apparently unconditional affection. Those who rail against “cults” are rarely sensitive to these significant distinctions. The relationship between violence and the authoritarian absolutism of various cults is also

more complicated than some suggest. Certainly, there is no reason why an authoritarian commune cannot be stringently nonviolent.

Behind every analysis based on the concept of brainwashing is an implicit premise that automatically discredits the group under discussion, and, of course, anyone associated with that group. This is the hidden assumption: that no one in his right mind could possibly accept such an ideology or lifestyle. Clearly in many cases this is incorrect. The Unification Church of the Reverend Sun Myung Moon surely has many ugly authoritarian traits and sinister South Korean CIA connections; yet it also has elements that some idealistic persons may find appealing.

As Harvey Cox has pointed out in an article in *Christianity and Crisis* (Nov. 14, 1977), intelligent persons may be attracted to the Unification Church for a number of reasons, including the vision of reconciling science and religion, thus recovering “absolute values” in a morally ambiguous culture; and the possibility of reconstructing Christianity in a broader context that would include world and oriental history, thus uniting East and West. What is denounced as coercive “mind control” in Hare Krishna practices could also be viewed as commendable monastic rigor and austerity, a vivid contrast to the “permissive” and hedonistic context of modern American life.

Even the late Reverend Jim Jones, leader of the Peoples Temple, projected what appeared to be an authentic social compassion, which was the basis of his appeal and explains his many sympathizers and converts. Many of the latter were poor, black, and elderly and may have viewed Jonestown as superior to a nursing home. Given the increasing moral ambiguity of American culture, many systems and regimens that appear bizarre and pernicious to most citizens will find voluntary (and often temporary) converts.

Notions such as brainwashing and coercive persuasion are not necessary to justify investigations of groups that are alleged to resort to violence. Any investigations should be specifically grounded in concrete allegations of violations of law. They should not operate as fishing expeditions aimed at digging up whatever dirt may be available on unpopular groups.

We must all take special care to prevent the current public unease from developing into a generalized assault on unorthodox groups. □

THOMAS ROBBINS & DICK ANTHONY

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NAT HENTOFF

After Farber: The illusions of the press

MA. FARBER, AFTER 40 days in the slammer, is free. The *New York Times* is about half a million dollars poorer. Of that sum, \$285,000 went for fines imposed by the court because the *Times* would not persuade Farber to hand over his notes, including confidential sources. The rest of the money, of course, went to the paper's lawyers who, though devoted to battling for the First Amendment, are also governed by the clock that inexorably tolls their hourly fees.

At the rate some papers are being hauled into court as defendants these days, a publisher with insufficient reserves for legal expenses is inviting bankruptcy.

With the defendant in the murder trial originally at issue having been acquitted, and the Supreme Court having refused to review Farber's claims, his case is over. The Court's decision is unfortunate on one score—that it did not hear Farber's claim that he was denied due process when he was put and kept in jail without a single full hearing on the merits of his argument that the First Amendment and the New Jersey shield law protected him from having to turn over his notes.

Farber, it seems to me, had an extremely strong due-process argument. As a justice of the New Jersey Supreme Court said in dissent, "Mr. Farber probably assumed, as did I, that hearings were supposed to be held and findings made *before* a person went to jail and not *afterwards*."

On the other hand, as I have indi-

cated here before [*INQUIRY*, Oct. 16, 1978], Farber's reliance on the First Amendment and the New Jersey shield law may be so misplaced, under the particular circumstances of this case, that a Supreme Court review could have become a setback for the press as a whole. A majority of the Court could have greatly weakened all state shield laws, while hewing to its 1972 *Branzburg* decision that a reporter has no absolute constitutional right to refuse to testify in order to keep his sources confidential.

**The majority
of journalists
still regards
Farber as a
martyr in the
courts' jihad
against what
judges see as
the arrogance
of the press.**

While the spotlight has focused on Farber and the *Times*, have editorial writers, columnists, and other journalists learned anything about the prickly First Amendment-Sixth Amendment conundrum at the core of Farber's defiance and imprisonment? There appear to have been no significant shifts of opinion. A minority in the press continues to insist that criminal defendants do have certain rights that not even the First Amendment can wholly supersede. And the majority continues to see this case as just part of the courts' jihad against the press. Farber, they say, has been persecuted because the courts want to cripple what they see as an arrogant press. And they predict an across-the-board freezing of sources, gravely limiting the public's fundamental right to know everything there is to know. A few among this group grudgingly concede that, in extremely rare cases, it might

be necessary for a reporter to turn over certain of his notes lest an innocent defendant, having no other recourse but that information, be sent away for a dreadfully long stretch of time. These writers usually couple this glancing attempt to "balance" conflicting rights with a complacent assertion that they have never heard of any such case.

THE GENERAL LEVEL OF discourse is exemplified by John Hess's essay on the Farber matter in these pages [*INQUIRY*, Nov. 27, 1978]. He cavalierly subordinates defendants' Sixth Amendment rights to the unassailable right of reporters to protect their sources and the "right" of those sources "to denounce wrongdoing in the security of anonymity." It's as simple as that, and anyone questioning that anything could be so simple is obviously part of a fearful campaign to curb investigative journalism. Indeed, according to Hess, those of us who use such "buzzwords" as "A man is innocent until proven guilty" betray our ignoble class affiliation, for Hess exposes us as members of the "petit bourgeoisie." (For a former employee of the *New York Times* to use this term to condemn others, is rampantchutzpah, but the problem remains.)

Let us look at the specifics of the Farber case in terms of the possibility that the defendant might have had a compelling right to look at some of Farber's material. This approach has not, so far as I know, been taken anywhere—certainly not by the *Times* (New York or Los Angeles), the *Washington Post*, the *Boston Globe*, *Editor & Publisher*, or by any other largely uncritical supporters of Farber. It's worth doing to show how self-righteously vague much of the commentary and reporting on this case has been—and to put some steel into future thinking on such matters.

As a prelude, it is necessary to recall Farber's repeated assertion that *he* knew everything that was in his notes and *he* could assure one and all that nothing there could be of use to the defense.

On September 21, 1978, the New Jersey Supreme Court affirmed (5-to-2) the lower courts' contempt citations against Farber for withholding his notes. The majority opinion indicates "a reasonable probability" that the defense in this case might have been able to show that some of Farber's subpoenaed notes were centrally relevant and could not have been obtained

NAT HENTOFF writes a monthly column on civil liberties issues for *INQUIRY*. His recent books include *Does Anybody Give a Damn?* and *Jazz Is*.

from any other source. The defense, of course, was never required to prove this because there was never a full hearing on Farber's reasons for resisting the subpoena.

Accordingly, what follows is unproved, not having been subjected to an adversary test in court. But, for the sake of argument, read it and then try to figure out where you would stand in this First Amendment-Sixth Amendment tug of war if these allegations were proved. The court, by the way, notes that these assertions of the need for Farber's notes were "supported by documents and transcripts of testimony . . . filed by the defendant." That doesn't insure their being true either, but I mention it because, throughout the hostilities, Raymond Brown, the chief defense lawyer, was abused by much of the press as being a con man who had no basis for demanding Farber's notes and was just using this ploy to gain acquittal for his client. How would that be achieved? Well, since Brown was sure that Farber would not yield, the jury could be told at the end that the defendant had never had a full chance at a fair trial. Another loosely speculative thesis was that if the defendant were convicted, Brown thought he could get a reversal for the same reason: The obdurate reporter had stripped the gears of justice. Actually, Brown was not fishing. He had done his homework. And again, though these allegations might well have been successfully challenged by Farber and his lawyers, they are not just inventions.

DR. MARIO JASCALEVICH, as you may remember, was on trial for three alleged murders—committed, supposedly, with the drug curare—in a New Jersey hospital in 1965 and 1966. The investigative reporting by M.A. Farber, ten years later, caused the Bergen County prosecutor to reopen the case, and eventually Dr. Jasclevich was in the dock.

Here are some of the compelling reasons, cited by the defense, for Farber to turn over material in the Sixth Amendment interests of Dr. Jasclevich:

■ "Dr. Charles Umberger was a toxicologist who worked on slides of one of the alleged victims. He gave notes to Farber who did not return them. Some of these notes are missing. Dr. Umberger died in 1977 before the defense could interview him."

Says John Hess in his *INQUIRY* piece: "Either side may call any witness who has information bearing on the case"—so why the need for the reporter's notes? How was Dr. Umberger to be called? Through a Ouija board?

And was Farber, as sole custodian of certain notes by Dr. Umberger, sufficiently versed in toxicology to know whether they were or were not of importance to the defense? In any case, in this murder trial, should a reporter have had the sole right to make that determination?

The chorus supporting a federal shield law will grow in the months ahead, but no shield law is unthwartable if it is found to violate the Constitution.

■ "Lee Henderson was an attendant at Seton Hall Medical School at a time when, according to one statement allegedly made by Dr. Jasclevich, the latter was performing certain tests on dogs in the school laboratory. The tests supposedly involved the effects of curare (a drug said to have been administered by the criminal defendant in the deaths of the victims). Henderson may very well have information touching upon Dr. Jasclevich's activities, if any, in the laboratory. After considerable effort Farber succeeded in tracking down Henderson in South Carolina.

"When a prosecutor's investigator was later able to communicate with Henderson (having presumably been led to him by information furnished by Farber), the witness initially refused to give a statement (later supplied) for fear that it would conflict with a written statement previously furnished to Farber. The criminal defendant wishes to examine this earlier statement."

If the reporter has sole possession of this earlier statement, where else is the defendant to go to examine it? And what if there is indeed a discrepancy between the two statements—one that

might be a crucial link to a successful defense?

Furthermore, said the New Jersey Supreme Court's majority opinion, there was "appellant Farber's close association with the Prosecutor's office since a time preceding this indictment. This glaring fact of their close working relationship may well serve to distinguish this case from the vast majority of others in which defendants seek disclosure from newsmen in the face of the Shield Law."

If this closeness had been proved—as, for instance, the defense claim that Farber had even filled in the Prosecutor's file with information he himself had obtained—would not the defendant have some cause to believe that the reporter refusing to provide notes was less an independent truth-seeker, as journalists are supposed to be, than an arm of the state? And in that event, had not Farber abdicated some of the First Amendment privileges he was claiming?

■ "Barbara Kenderes was a lab technician at the hospital. She gave a statement to a Prosecutor's detective in 1966, which the State either has not furnished or cannot furnish to the defense. She testified before the grand jury in March 1976. Several days later Mrs. Kenderes received a telephone call on her private, unlisted number from Myron Farber. During the course of the conversation he accused her of hiding something from him. She replied that, indeed, she was.

"Shortly thereafter, she received a call from Assistant Prosecutor Sybil Moses, who is handling the case. Mrs. Moses told Mrs. Kenderes that Myron Farber called her and said Mrs. Kenderes was hiding something. Mrs. Moses wanted to know what that was. Mrs. Kenderes replied that it was only the fact that she had appeared before the grand jury, which Mrs. Moses had cautioned her not to speak about.

"The only person to whom Mrs. Kenderes had given her private phone number in connection with this matter was Mrs. Moses. Again the inference defendant Jasclevich would have us draw is that early on there was complete cooperation and exchange of information between the Prosecutor's office and Farber, with the resultant likelihood that Farber is now, and for some time has been, in possession of material and relevant information not otherwise obtainable bearing on the guilt or innocence of Dr. Jasclevich."

Again, none of this has been tested

in a full hearing where Farber's lawyers could try to knock down these allegations and inferences. But suppose all, or some of it, were true? Would this case then be as simple as John Hess and many other journalists contend?

BEING SIMPLE-MINDED, especially as part of a herd, can be dangerous. One response by the press to the Farber case has been a rallying cry for a federal shield law. This, it is said, will be the salvation of journalists who will never ever betray their sources but who also would rather not go to jail. Not for 40 days, anyway. A federal statute protecting reporters would, by superseding state shield laws (as well as filling in where states have no such statutes), impose a uniform wall between press and state in these matters.

Within two days in early November, before the Supreme Court announced it would not hear Farber, two *Washington Post* columnists addressed themselves to this tidy solution. Charles Seib, the *Post's* resident press critic, was not quite ready to take the leap, but said that if the Supreme Court does review the Farber case and decides against him and the *Times* ("and that means against the press as a whole"), perhaps the press must petition Congress to rescue it—and its sources.

Clayton Fritchey, speaking for what is probably a majority of working journalists, saw no need to wait. After the ordeal of M.A. Farber, he writes, there is no substitute for "an unthwartable Federal shield statute."

This chorus will grow in the months ahead, unmindful, first of all, that no law is "unthwartable" if it is found by the courts to violate constitutional rights: here, a defendant's right to "have compulsory process for obtaining witnesses in his favor" and material that may impeach witnesses for the prosecution. Ever since the *Branzburg* decision, many courts have held that reporters have a *qualified* privilege to refuse to testify and disclose sources—if defense or prosecution cannot show that the information sought is central to the case and cannot be obtained anywhere else. But no court has proclaimed an *absolute* privilege, for the Supreme Court has foreclosed that route. Therefore, no federal shield law, no matter how rigorously worded, could guarantee complete protection.

Furthermore, if the press should turn to Congress to shield it from the

courts, Congress would then have the power to differentiate "legitimate" journalists from all others. All established, regularly published papers and magazines would be included, of course. But what about—as Mr. Justice White said in *Branzburg*—the "lonely pamphleteer who uses carbon paper or a mimeograph?" Is this unaffiliated muckraker to be left defenseless? And what of the high-school press, or papers put out by community action groups that have no official press standing?

"Freedom of the press," Justice White said, writing for the Court, "is a fundamental personal right," not limited to newspapers and periodicals. Are authors of books, and researchers for books, to be placed beyond the pale? "The informative function," he noted, "is also performed by lecturers, political pollsters, novelists, academic researchers, and dramatists." Is there to be a shield for them?

Hardly likely. How many members of Congress would vote for such an expansive testimonial privilege? Inevitably, then, Congress will have to draw lines, which means that Congress will have the power to dispense privileges to certain members of the press, and not to others. Yet the clear intent of the First Amendment was to keep the state from controlling the press, and from making such distinctions.

Once it has this kind of power, Congress, depending on the political climate, can redraw the lines. Had there been a federal shield law in the 1960s, how many representatives of the underground press would have been stamped "officially" privileged?

And right now, would federal protection include Jon Mason, publisher of a newspaper in Kalamazoo, Michigan, with a staff of five reporters and editors? Covering local news and sports, it is called *Children's Views*, and it is distributed to 35 students at an elementary school where the 11-year-old publisher is in the fifth grade.

Is Mason less entitled to "strengthened" First Amendment protection than Farber? Not according to the words of the First Amendment. But would the *New York Times* fight for Jon Mason's inclusion in the shield law?

The case of M.A. Farber has indeed roused the organized press, but the result is clamor—not analysis. And clamoring, the press is moving into a minefield, where it may experience much more trauma than any it has yet imagined. □

POLITICS

SIDNEY LENS

Civil defense: Carter's idiot arithmetic

IT IS AN OPEN SECRET IN Washington that the Carter administration's plan to triple spending on civil defense during the next five years bears little relationship to defense, civil or otherwise, but is still another bribe to win the votes of congressional hawks for the impending SALT II agreement.

True, crusaders like Leon Goure of the University of Miami or T.K. Jones of Boeing Aerospace have been rending the heavens for years with warnings that the "civil defense gap" so markedly favors the Soviets it might tempt Moscow to launch a first strike—or, at the very least, subject the United States to nuclear blackmail. The Russians, we are told, are so advanced in civil defense that should an all-out nuclear war erupt they could save 90 to 98 percent of their population, losing "only" 5 to 25 million people. The United States, by contrast, is so far behind both in expenditures and planning that the same war would cost the lives of 130 million Americans. The Soviet Union would survive as a nation, with no more fatalities than it suffered in World War II; the United States would vanish.

Despite this dire picture, however, the civil defense crusade has never captured popular imagination. Even among those who believe we need more programs, the reasons are often unrelated to a "civil defense gap," real or imaginary. Some contend that publicizing plans, combined perhaps with test drills, would "harden the American will," thereby sending a message

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to Moscow that “we mean business.” Others think a beefed-up program for defense against a nuclear attack would convince more Americans of the urgency of spending larger sums on offensive weapons. Still others, who concede that civil defense is useless in its present form, think we must lay groundwork, hoping that someday an effective program *can* be developed.

It was not the “civil defense gap,” however, that prompted the desire to lavish funds on these programs. The President was thinking of SALT II and the tough posture needed to convince congressional waverers he is not “selling out” to the Russians. Upgrading civil defense is consistent with the decisions to hike the military budget by three percent in real terms, to begin producing neutron bomb components, and to accelerate two mobile-missile programs—the Cruise and the MX. Such *machismo*, Carter feels, is bound to impress the Scoop Jacksons, Paul Nitze, and the rest of the Committee on the Present Danger.

Whatever the President’s intent, the enlarged program caters to the illusion, so popular during the Eisenhower and Kennedy years, that nuclear war is “thinkable” and perhaps “winnable.” In 1961, it may be recalled, *Life* magazine made the sensational claim (with Kennedy’s implied blessings) that if all Americans built fallout shelters, “97 out of 100 people can be saved” and “only” five million would die. *Life* predicted this great miracle by postulating a situation in which the Soviet Union would use warheads with explosive power of only 300 megatons (equal to 300 million tons of TNT), and would be kind enough to drop them all in relatively uninhabited areas. It did not explain why the Russians wouldn’t use their full complement of 10,000 megatons or why they would shy away from bombing big cities. The same official graphs from which *Life* compiled its statistics showed that a mere 300 megatons, if directed against urban centers, would leave 45 to 54 million Americans dead; and an attack of 3000 megatons—well within Soviet capability—against cities, would result in 120 million fatalities, two-thirds of the American citizenry. Curiously *Time* magazine, also part of the Henry Luce empire, claimed that “an adequate national system of fallout shelters might cut the death rate from 160 million to 85 million,” but not five million, as *Life* had claimed.

PRESIDENT CARTER’S “IDiot arithmetic” (to use the term coined by scientist James R. Newman) today is not quite so outlandish as *Life*’s 17 years ago, but it is no more tenable. For the small sum of \$230 million a year, we are told, the nation can be made ready to evacuate its cities in time of nuclear crisis; this would save 146 million people, 56 million more than under the present program. Admittedly the death toll would still be 74 million, hardly trivial, but as the *Chicago Sun-Times* observed sardonically, “74 million dead is better than 130 million dead.”

From the point of view of cost effectiveness alone, this is truly a remarkable achievement in computation—especially when you consider that Kennedy was allocating \$700 million a year (in 1961 dollars) to civil defense, and that private citizens, according to the National Shelter Association, were expected to spend \$30 billion on shelters and accessories in 1962 alone. It is also remarkable from a logistical point of view, since it would take just 30 minutes for a Soviet intercontinental ballistic missile to reach the United States. Allowing 12 to 15 minutes for American computers to verify that a nuclear war has actually begun, that leaves about 15 minutes for evacuating 70 percent of the people in 400 target areas—250 of them cities with a population of 50,000 or more. Obviously not even the prestidigitators on the Potomac can evacuate Denver, let alone New York, in a quarter of an hour.

How is the feat to be achieved? The Defense Civil Preparedness Agency (DCPA) has found a simple solution: make the assumption that there will be days, even weeks, to head for the hinterlands, rather than 15 to 30 minutes. An evacuation program in the 1950s was permitted to die quietly because a more realistic generation understood that you couldn’t get the populace out of major cities in the 10 to 12 hours it would take for Soviet bombers (there were no missiles then) to reach the United States. But in 1974, well into the missile age, Secretary of Defense James Schlesinger and DCPA director John E. Davis concluded there would be “plenty of time”—“days, even weeks”—to evacuate U.S. cities before an attack. That would happen, they said, because we would have a warning period, a “period of mounting tension,” before a nuclear attack. While the diplomats were arguing and tensions were mounting “there would

be plenty of time” to haul 70 percent of our urban population to safe refuge in caves, mines, and rural areas.

The DCPA, which has been in charge of planning this exodus until now, estimates that it will be able to put as many as 50 million people “in level, dry, and readily accessible mines,” 80,000 in a single mine near Kansas City, and the whole population of Pittsburgh in mines within a 70-mile radius. This plan is called Crisis Relocation (CR) instead of evacuation, to indicate that the relocation will take place during the “days, even weeks” of a crisis.

One scenario, as the planners tell it, goes like this: The United States lobbs one nuclear bomb at a Soviet position in Europe, or perhaps Korea. The Soviets retaliate, also with a single bomb; then both sides, with remarkable restraint, hold off further action to allow their diplomats to talk. In the meantime Americans could be relocated. Another scenario begins with the discovery by U.S. intelligence that the Soviets have begun to evacuate their cities. The President takes to the airwaves and advises all Americans except essential workers (who are expected to show patriotic forbearance) to disperse from high-risk cities to previously designated small towns and rural areas. Once there, everyone pitches in to build or dig makeshift fallout shelters.

One objection to crisis relocation is that if the Russians learned, as surely they would, that Americans were motoring pell-mell to the outer areas, they might conclude that the United States had given up all hope for a diplomatic solution and was preparing to unleash its nuclear bombs at them—first. In that case the evacuation would actually trigger a nuclear war. Asked about that a DCPA official denied it was a problem, “because we wouldn’t evacuate our cities unless *they* evacuated first.” In that case, of course, Washington would have to assume that *Moscow* was preparing a first strike—and beat it to the punch.

Even if all such hurdles could be overcome, the logistics of moving tens of millions of people around the continent boggle the mind—what to do with people without cars (DCPA says it will offer bus transport at designated places); how to provide enough gasoline (some gas station attendants, imbued with patriotism, will stay behind to serve their public); how to arrange shelter (for instance, for the 50

million people in the northeast corridor who live in an almost continuous urban community); and most of all, how to feed so many people? The DCPA has rudimentary plans for guiding citizens to the hinterlands; the local newspaper, for instance, would give advance instructions, such as, "All residents of City W who have Zip Code 99999 should proceed south on U.S. highway yy to the Town of Z. More detailed instructions will be provided there." But it is all very skimpy, especially when it comes to food and shelter—including shelter from radiation—once the exodus is completed.

The overriding question of course is: if crisis relocation does work and the 250 cities and 150 other target areas are safely depopulated, how many people will actually survive a nuclear war? The federal government has been notorious for underestimating nuclear hazards. It predicted, for instance, that the atom bomb dropped on Hiroshima would kill 20,000 Japanese; in fact, according to a study by an international group of scientists last year, it killed 140,000—seven times as many. The inhabitants of Bikini who were evacuated after the United States started nuclear testing there in 1946, were brought home in 1969 to resume normal lives. The U.S. government planted food and rebuilt homes, but nine years later discovered that the island was still too radioactive for habitation. Once again the people of Bikini vacated their island which, U.S. experts now believe, won't be habitable for another half century.

THESE ARE SCIENTIFIC miscalculations, hardly unique in a new and unexplored area. More distressing, however, is the deliberate misinformation—the idiot arithmetic—spread by the Kennedy and now the Carter administrations, to justify civil defense programs. In the early 1960s Dr. J.C. Nunnally, a psychologist from Vanderbilt University, warned the government that it was creating a "paralysis of anxiety" by emphasizing the horrors of nuclear war. His advice, which *Newsweek* said was adopted by the administration, was to "supply fewer of the gory details. . . . Communicate simple, easily understandable information."

One of the ways of removing the gore is to analyze each hazard of nuclear war separately. In the year of the shelter craze, for instance, the Atomic Energy Commission (AEC) was telling

people they would have to stay in fallout shelters for not more than two weeks. This was based on calculations that in the first two weeks of a hypothetical attack with 1446 megatons of bombs a person above ground would be subject to 10,000 roentgens (a measure of radiation); but that a better-than-average shelter would bar all but four-tenths of one percent, or 40 roentgens. (According to the AEC handbook *The Effects of Nuclear War* [1957], a dose of 130 to 170 roentgens would cause no deaths, but one-fourth of those exposed would suffer ailments such as nausea, vomiting, loss of hair, bloody diarrhea, bleeding gums, and gangrene. A dose of 270 to 330 roent-



gens would mean sickness for everyone and death for 20 percent; 400 to 500 roentgens, one chance in two of surviving; and over 550 roentgens, no chance.)

The 40 roentgens therefore was not likely to kill the shelter-dweller or make him sick. But if you combine the radiation problem and the housing problem—the fact that three-fourths of all homes would be destroyed or badly damaged in that hypothetical attack—the situation becomes more dire. If after only two weeks the claustrophobic shelter-dweller decided to sleep outdoors he would absorb 50 to 72 additional roentgens a day; in a week he would be dead or very sick. Add the certainty that many hospitals would be destroyed; that there would be a shortage of doctors (in Hiroshima 260 of the 300 doctors were casualties);

that children must be sheltered from radiation longer than adults, to avoid genetic problems; that anyone who looked at the fireball from as far as 40 miles away would be struck blind—and the comfortable AEC estimate of two weeks in a shelter is a bit misleading.

Now, if you add ecological problems to the equation, there is real doubt, as Dr. John N. Wolfe, chief of the Environmental Sciences Branch of the AEC, conceded some years ago, about whether the species can survive at all—with or without shelters. The environment, as he noted, would be completely modified. Destruction of trees and vegetation in hilly country would result in a cycle of floods and erosion. Water running off the barren soil, carrying silt and pebbles before it, would carve great gullies and ravines. With no plants to absorb it, the water would run off into the sea, drastically reducing the supply of food.

Another problem that the government never mentions is the comparative durability of human beings and animals. Rats are less susceptible to radiation than people are. The rat population of Eniwetok has survived several nuclear blasts. Thus, after an attack, rats would feed on the filth of the city and transfer disease to human beings whose resistance already had been seriously lowered by radiation and deprivation. Similarly, "disease-producing bacteria in sewerage disposal units and sewers would very likely be a considerable problem because they are relatively immune to radiation. They can withstand a million roentgens." Disease levels in humans would rise precipitously. Insects—also more resistant to radiation than are people—would wreak havoc with the balance of nature. They would not have to attack humans directly; by killing trees or destroying wheat they would complicate the problem of recovery.

How long will it take for the nation to recover from the kind of environmental catastrophe that Dr. Wolfe and many others foresee: water supplies drastically cut, soil covered with strontium 90 that would take 40 crop-growing cycles to wash away, and an explosion of the insect population, with so many birds dead. "Maybe no one of these things will be difficult to handle by itself," said Dr. Wolfe, "but when they all come at once and when there are problems of food, clothing, and shelter as well . . ." He didn't complete the sentence.

All serious studies tend to indicate that there is no defense, civil or otherwise, in a nuclear age; to spread the illusion that there is one, constitutes the greatest of all possible deceptions. The crux of the dilemma that has bedeviled strategists and Presidents since Hiroshima is that *offensive* nuclear weapons have achieved a capability of virtually limitless destruction, whereas *defensive* weapons and techniques, at least so far, have been ineffective. The American stockpile of 31,000 offensive nuclear warheads, it is estimated, can kill everyone in the Soviet Union 36 times over, or everyone on earth, 12 times. But just as James Franck of the University of Chicago, Nobel laureate, warned in 1945, science has been unable to provide "new methods of protection against new methods of aggression." This is the first time in history that that has ever happened.

THE ONLY SO-CALLED defense is psychological; something called "deterrence." The Russians know that if they strike first we will still have enough warheads and launchers to destroy them; we know that if they strike first we can demolish their society—and this "balance of terror" is our only defense. It is not a *physical* defense such as an anti-tank gun or an anti-aircraft missile, only a psychological one. And it demands that each side constantly make the deterrent "credible." We have to prove to them (and they to us) that we will use those terrible weapons if we feel we have to. As Stefan Leader puts it in a *Philadelphia Inquirer* article, we must make them believe "we just might be crazy enough" to fight a nuclear war, even though we know it would result, as General MacArthur put it, "in double suicide."

The frustration over defense has led our think-tankers and strategists into weird byways. The first scheme, in the 1950s, was to plan the evacuation of cities—as already indicated, a hopeless venture. Another proposal was made by Herman Kahn: spend a few hundred billion to build underground cities that would house enough people so that "damage" (death) would be relatively small—five, ten, twenty million. In that case the United States could issue an ultimatum to the USSR to surrender—since "we" can kill all of you, and you can kill only a few million of us, your only hope to survive is to give up. Fortunately the government never adopted this plan.

In 1960 the Pentagon called a top-secret meeting of a dozen highly influential leaders, including Governor Nelson Rockefeller of New York. The consensus at the meeting was that the State Department needed "muscle" for its negotiations with the Soviets. Unless we could prove to the Kremlin that we were ready to fight, they might disregard our deterrent, and our diplomats would have no leverage. We had to make deterrence credible, and fallout shelters were the way to do so. President Kennedy in due course adopted this program, in part because it was pressed on him by the militarists, in part because he did not want to appear "soft" by contrast with the "tough" stance taken by Rockefeller, who was a possible Republican presidential challenger in 1964. Again the American people were too sensible to heed Kennedy's plea to build shelters.

The next defense mania was the antiballistic missile (ABM), a system of missiles designed to intercept and "kill" incoming Russian missiles in either the atmosphere or the stratosphere. This was to be the first *physical* defense. If the ABM worked, the United States would finally have a near-perfect "win" formula: We could sweep their missiles from the skies and "limit" our "damage" to negligible numbers of dead, and they would be totally vulnerable to our missiles. Unfortunately the system was flawed. The Russians could make it totally unworkable by sending up decoys that would overload the computers, by neutralizing the radars with jamming devices placed on the incoming missiles, or by lowering the missiles' trajectories to evade U.S. radar. Even President Nixon finally agreed that the ABM couldn't do the job, and President Ford quietly scrapped the program.

In 1974 Secretary of Defense James Schlesinger completed the circle by returning to evacuation as the one way to limit damage. Few people took this plan seriously, however, and the government itself showed its contempt by allocating meager funds to implement it. But now, along comes Jimmy Carter asking us to support vastly increased expenditures on civil defense and to believe in the illusion that nuclear wars can be made tolerable.

Does the man who promised us "zero nuclear weapons" in his inaugural address expect us to believe that more is zero? That is another example of idiot arithmetic. □

POLITICS

ALAN CRAWFORD

The money's on Connally

BEURT SERVAAS WANTS TO make John Connally president, and Big John is acting like he doesn't think it's a bad idea. SerVaas, the kingmaker, orchestrates the Connally-for-President drive from two imposing office buildings on a sprawling complex on the near west side of Indianapolis. They are the headquarters of the SerVaas family enterprises, whose laboratories turn out something called Bar Keepers Friend. A dandy cleanser, its sales have made Beurt SerVaas a very rich man.

He was rich enough, anyway, to have taken over the Curtis Publishing Company in 1970, and to resuscitate the beached *Saturday Evening Post*, which today boasts more than 350,000 paid subscribers and three and a half million readers. Curtis Publishing also brings out *The Country Gentleman*, a slick magazine for rich peckerwoods, as well as *Jack 'n' Jill* for the kiddies. Selling the rights to the often-reprinted Norman Rockwell illustrations, still owned by the *Post*, is a lucrative enterprise in itself.

With wealth comes power, and SerVaas—a self-described "provincial" from the Hoosier heartlands—has become a force in Indianapolis politics. A conservative and a Republican, he's city council president.

Beurt's also wild about John Connally, and this may explain the mysterious connection between the SerVaas operations in Indianapolis and a Houston-based political action committee called the John Connally Citizens Forum. Although SerVaas says he "knows nothing about" the group, and *Saturday Evening Post* president Fred-

ALAN CRAWFORD, a former aide to Senator James Buckley of New York, is writing a book on conservative politics to be published by Pantheon in the fall.

erick B. Tuttle says the same, one company spokesman acknowledges a "close working relationship" between the two organizations, with the Forum as an outlet for friends who want "to promote John Connally for President." And a member of the Houston staff says that Tuttle is a "personal friend" of the former Texas governor, and the *Post's* president is known to have conducted business for the Connally committee from the Indianapolis offices. Moreover, it is unlikely that SerVass himself would be unaware of the Citizens Forum, since he and his wife recently vacationed with Connally and his wife.

"Beurt sees himself as the grey eminence behind Connally, the confidant who advises Connally on matters of international affairs. And Beurt would like to be made, if not secretary of state under a Connally administration, then at least ambassador to the Court of St. James's," says a former editor of the *Saturday Evening Post*.

To this end, both the *Post* and *The Country Gentleman* have published cover stories on the Texan, and endorsed him for the Republican presidential nomination, even before the announcement of Connally's candidacy—which is expected early in the year. And by mid-November the Citizens Forum had already raised over \$497,000, much of it contributed to Republican congressional candidates representing a wide ideological spectrum. Most of the money (reports the *Washington Post*) came "from boardroom executives whose interests lie in law, oil, investments and other businesses." Even Donald Kendall, the man who brought Pepsi-Cola to the Ukraine, kicked in \$2000 in 1977.

Big Business likes Connally—too well, in fact, for the comfort of many of the Republican party's leaders, who fear that the former Democrat will be too willing to use the full force of the federal government to promote corporate interests. With the milk scandal still fresh in their minds, party liberals are wary of the political clout that commercial interests would enjoy in a Connally White House, while anti-government conservatives fear still greater intervention in the economy. Both groups remember that it was Connally who masterminded the bail-out of Lockheed in 1971.

The conservatives' fear of Connally was never more clear than in 1976, when fund-raising specialist Richard Viguerie began urging conservatives

to support Big John for President. When Viguerie organized a write-in campaign for Connally in New Hampshire's Democratic primary, *Human Events* was aghast. "As treasury secretary . . . Connally sold the country on wage and and price controls, an economic 'remedy' that was so bad that in the end both labor and business teamed up in favor of its destruction," the conservative weekly reminded its readers. "Yet when Connally appeared at the Young Republican convention last summer, far from apologizing for this disaster, he was still boasting about his role in bringing it about." Connally, the journal noted, has supported creation of a costly consumer protection agency and liberalized abortion laws—anathema to most conservatives—and he admits that he is not, strictly speaking, a conservative at all. "It is hard for people to put me

into a category," Connally was quoted as telling the Young Republicans, "for sometimes I am a conservative and on some issues I am a liberal; it is impossible to cast me in a stratified position. I take the broad, middle ground."

NOT BROAD ENOUGH, though, to attract the GOP's more liberal members. John Topping is president of the Ripon Society—for years associated with the party's Rockefeller wing—and he doesn't like the prospect of a Connally nomination any more than the conservatives do. "As strong as he may be as a personal campaigner, we thought in 1976 that if he were chosen by Ford as his running mate, Connally would be so tarred by the 1972 campaign that the Democrats would be able to tie Watergate around the Republicans' necks," Topping explains.



BRUCE MCGILVERAY

"But what makes us moderates and progressives most uncomfortable about Connally is very much like that which bothers *Human Events* and the conservatives. He may be a man of enormous personal ability and personal appeal but to the extent that we at the Ripon Society view ourselves as proponents of limited government, we fear Connally as having a strong preference of using state power We sense that he is a statist, a man far too ready to use the power of the federal government, whether it is for conservative or liberal ends."

Both liberal and conservative critics point to a Connally brainstorm of some years back, called the Youth Service Project. Under it, every young American would be required to serve the government for one year upon reaching the age of 18. As Connally has explained it, the program "would teach young people that they have an obligation to become interested in governmental affairs" and "provide a discipline for these young people, which we desperately need in this country." It would ease the unemployment problem, compelling youngsters (for example) "to work for local police departments . . . or clean up the highways, since the young are the ones, by and large, who litter."

Milton Friedman, the Nobel Prize-winning economist now at the conservative Hoover Institution, is not impressed. He calls the Connally plan "totalitarian, a warmed-over version" of Hitler's Youth Corps—which suggests to him that the Texan "lacks a real appreciation of the meaning of freedom." At the other end of the political spectrum, Nicholas von Hoffman has dismissed the idea as "an imbecilic bit of totalitarianism, albeit one which is also advocated by people like sociologist Margaret Mead who enjoy a reputation as liberals."

Connally's real problem may well be merely that he can't help spouting half-baked schemes. What else could explain his advocacy (in front of the editorial board of the *Wall Street Journal*, no less!) of another brainstorm, the "national dividend program"? Under this scheme, the federal government would take all the money that corporations pay in income tax and split it up—willy-nilly—among the nation's registered voters. This way, he has explained, you would increase the voter registration rolls.

Nevertheless, Connally remains a remarkably able man whose liabilities,

which are great, do not totally obscure his obvious strengths. David Broder has written that "in terms of sheer ability, he is at least the match for anyone in either party who's run for the White House in his political lifetime," and Broder is not starry-eyed.

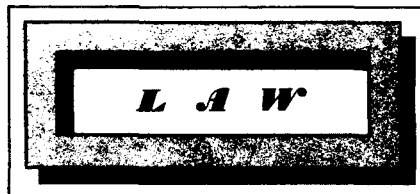
Neither is James Reston, who wrote recently that despite "all his losses and switches and disappointments of the past, he could still be a formidable candidate for the Republican nomination, and against Carter, a serious threat for the presidency."

According to one of the sagest political pros in Washington, who has worked in countless Republican campaigns, Connally is nothing less than "one of the most articulate leaders—one of the most effective at explaining a governmental program or political problem—to come along in my life. There are few people, indeed, who can stimulate and convince with the effectiveness that he does."

Recalling Connally's phenomenal selling job on the Nixon administration's revenue-sharing plan, he commented: "I've seen him talk to some guys who are really hard to awe—hard-boiled, experienced political pros, Senators and Congressmen—and by the time he gets done talking, they can't get close enough to him. Believe me, this man is like a snake-charmer and he should not be underestimated."

No one knows, of course, what the future holds for the Republicans, but it is a safe bet, as businessmen like Beurt SerVaas are well aware, that Connally will play a major role in it. With the Citizens Forum footing the bills, he has been working the mashed potato circuit every bit as vigorously as Dole, Reagan, Ford, and Bush, picking up votes throughout the fall campaigns.

He has many obstacles to overcome, to be sure. Tainted by Watergate (Connally, some will remember, advised Richard Nixon to burn the Watergate tapes in the White House Rose Garden), associated in the minds of many with the reviled San Clemente recluse, and still viewed with suspicion by pros who don't trust a party-switcher, Connally may face opposition from many thoughtful members of the party. But at the very least he offers the colorless and virtually leaderless Republicans something they desperately need: a commanding figure with the ability to inspire the troops. For that alone, he cannot be counted out. □



JEFF GOTTLIEB

Police spying in Los Angeles

LOS ANGELES, THE NATION's third largest city, has now joined Chicago, Seattle, and Houston in the ranks of cities that in recent years have been shaken by celebrated police spying scandals. Evidence gathered for a lawsuit against the Los Angeles Police Department (LAPD) and three of its officers who are alleged to have infiltrated local political groups, indicates that the LAPD's intelligence squad has long been spying on unwary citizens in much the same way as did the CIA and the FBI.

Los Angeles police chief Daryl Gates, former head of the intelligence division, says, "I don't know what police spying is." Police spokesman Lt. Dan Cooke insists, "We don't engage in political spying, so what is there to talk about?" But proof now exists to refute these denials, and an independent investigation shows that infiltration and surveillance of dissident groups and individuals apparently continued even after the department, in December 1976, adopted guidelines prohibiting political espionage in non-criminal cases.

This move came the year after a unanimous ruling by the California Supreme Court supporting a suit by Hayden White, professor of history at UCLA, who had contended that undercover police were attending classes and campus activities solely to gather intelligence information. "The LAPD was fishing around UCLA to see what they could find out," said ACLU attorney Terry Smerling. "What the decision seems to say is that free speech at meetings is protected from infiltration by the police unless the police are engaged in some legitimate criminal in-

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vestigation. That would be the only legitimate reason for undercover police to be there."

The current controversy began last summer, when a Los Angeles group, the Citizens Commission on Police Repression, distributed a list of 200 organizations purportedly under surveillance by the LAPD's Public Disorder Intelligence Division (PDID) in 1975. Although the list, which allegedly came from police files, included some violent groups, such as the Mexican Mafia, Ku Klux Klan, and Black Guerrilla Family, the bulk of it was minority, church, gay, feminist, and unorthodox political groups, including the Southern Christian Leadership Conference, Socialist Workers Party, National Council of Churches, First Unitarian Church of Los Angeles, Feminist Women's Health Center, United Farm Workers' Union, National Organization for Women (all 20 chapters in Los Angeles), Tax Rebellion Group, and Gay Community Services Center.

The LAPD refused to confirm or deny the authenticity of the list, but City Councilman Zev Yaroslavsky, who headed one of the groups on the list, the Southern California Council for Soviet Jews, said, "I've talked to high-

membership and mailing lists, and in one instance, reporters' notes.

The LAPD's immediate response to the suit has been to draw the wagons in a circle, deny any impropriety, and announce, "We operate within the guidelines." At the same time the city attorney was filing court documents admitting that the three named in the ACLU lawsuit were police officers, the LAPD still refused to publicly acknowledge that fact.

The LAPD's interest in several of the groups was a response to their criticism of the department and in particular its surveillance procedures. The Coalition Against Police Abuse (CAPA), which has been actively organizing in the black community for the past two years, especially attracted police attention. The three officers named in the ACLU lawsuit, Connie Milazzo, Georgia Odom, and Eddie Solomon, all infiltrated the CAPA. Los Angeles City Councilman David Cunningham, who attended several CAPA meetings, called the infiltration "ridiculous" and unwarranted.

Georgia Odom spent nearly two years in CAPA and was its secretary when her cover was blown in April. Her name and Eddie Solomon's appeared on an LAPD personnel list that

ALTHOUGH POLICE OFFICER Eddie Solomon was active in the CAPA and the Young Workers' Liberation League, a small Communist party youth group also on the 1975 PDID list, most of his efforts were directed toward the Los Angeles chapter of the National Alliance Against Racist and Political Repression (NAARPR), a group that began as an Angela Davis defense fund but is now active in support of the Wilmington Ten. Solomon joined the group in late spring of 1976, eventually becoming part-time office coordinator. When the national head of NAARPR, Charlene Mitchell, visited Los Angeles on April 2, 1978, Solomon was trusted enough to be included on her security team. When he complained about his sorry financial state, another NAARPR member helped him get a construction job. Two other undercover officers attended a July 4, 1976, NAARPR demonstration in Raleigh, North Carolina, according to an LAPD expense report. Members of the Los Angeles chapter who attended the rally say the two officers returned to Los Angeles on the same plane they did and tried to strike up conversations with them, calling the NAARPR members by name. Assistant Chief Robert Rock, whose Office of Special Services oversees PDID, says such a trip was unusual. Certainly it was rather far afield.

The third undercover officer named in the lawsuit, Connie Milazzo, was arrested on June 18, 1977, along with 28 others, during a scuffle between members of the police force and the militant Progressive Labor Party (PLP), which she had joined 14 months earlier. When her police role was revealed in court, the charges against her were dropped.

Milazzo's PLP activities were just the latest of a long series of infiltrations into liberal and left-wing groups. In 1975 she began with 10 months in the Campaign for Democratic Freedoms, which organized against police and intelligence agency abuses. Milazzo didn't just sit in at meetings and take notes. She designed the leaflet used to advertise CDF's August 1975 conference: "The Truth About the New Centurions: LAPD Out of Control." At the conference she spoke calmly and self-assuredly about what a former CDF member described as "the LAPD's trigger-happiness during the Watts rebellion."

An FBI informant also attended the conference. He didn't know that

The police say they never engaged in political spying, but their records reveal that two hundred organizations were kept under surveillance.

level people in the police department who have never denied the authenticity of the list. I assume if the list was not authentic, then when it was released some months ago the chief and the department would have taken advantage of that opportunity to discredit those who released it."

The lawsuit against the LAPD and its undercover officers, filed on June 8, 1978, by the ACLU on behalf of several community groups that were infiltrated, comes hard on the heels of police denials of improper intelligence activities. Yet none of the groups appear to qualify as legitimate candidates for surveillance under the guidelines. And all three police officers had easy access to confidential files,

came into CAPA's possession. "She asked if she could take her handwritten notes of our meetings home to type them up," recalls CAPA coordinator Michael Zinzun. "Now I suppose there are copies in PDID's files."

Odom also worked with the Friends of Ron Burkholder, a small but vocal group attempting to uncover the facts behind the shooting of Burkholder by a policeman. Odom was more than a passive observer at meetings and rallies, recalled Maria Herbst, Burkholder's girlfriend. "At one of our rallies we were trying to keep things calm and not give off bad vibes. But Georgia insisted on initiating hostile chants like, 'Today's pig is tomorrow's bacon.' It disrupted our entire demonstration."

Milazzo was also undercover, and his report called her "a great help to the CDF Movement." After CDF's collapse, Milazzo moved on to other groups, including several feminist organizations, CAPA, and the Democratic Socialist Organizing Committee.

One of her more curious assignments was with the *Vanguard*, a small weekly alternative newspaper that published from March 1976 through May 1977. Shortly after it ran an article revealing secret LAPD radio frequencies, Milazzo attended two public *Vanguard* meetings. Eventually the paper asked her to write an article about the plight of downtown garment workers. She submitted two versions of the story, but neither made it to print. Milazzo had easy access to reporters' notes, according to *Vanguard* editors, and could have discovered identities of confidential sources.

Another plainclothes police officer, Jon Dial, worked undercover even longer than Milazzo, rubbing shoulders for seven years with nearly every leftist group in town, usually keeping order at rallies and demonstrations. He worked closely and even lived for a time with an informal group of people researching the LAPD's political surveillance activities. When Jane Fonda began a speaking tour of California in 1972, Dial was part of her advance team. He was supposed to help with security at an antinuclear power rally when he dropped out of sight in August 1977.

Soon after Connie Milazzo's surprise courtroom admission of her LAPD role, she and Dial, who had lived together for several months, were married. They continued their impersonations on their applications for a marriage license: Milazzo claimed to be a journalist, and Dial a pilot.

Yet another LAPD infiltrator has now turned up: Cheryl Bell, who spied on antinuclear power groups. Bell first appeared at the L.A. office of the Southern California Alliance for Survival, an antinuclear power group known for its advocacy of nonviolence, in the fall of 1977. Soon she was faithfully attending nearly every meeting of both the Los Angeles and Pasadena chapters. Alliance spokesman Dave Lumian recalls, "If there was ever a meeting, Cheryl would show up. She always seemed to be taking notes and never spoke up."

Around this same time, Bell also joined the Committee on Nuclear Information, an antinuclear power

group based on the Los Angeles campus of California State University, where she sometimes attended classes. CNI members considered her one of their most dedicated members and even elected her president for a term. Bell was sitting in the audience at a February 28, 1978, city council hearing on a proposed nuclear power plant when a police photographer and videotape crew showed up, posing as a television film team. Pressed by local reporters, who had never seen this "film crew" before, the police revealed their identities and were forced to leave. Several participants at the hearing are now suing the police department for infringing their rights.

The LAPD claims it was only acting on a tip that there might be a "disturbance" at the hearing, that no surveillance was involved, and it was all a mistake that won't happen again. But Cheryl Bell's infiltration of antinuclear groups was obviously no mistake. Her name is listed on an LAPD roster along with Georgia Odom and Eddie Solomon. Her voter registration affidavit lists her occupation as "police officer." Her signature on the affidavit appears identical to that on an Alliance for Survival sign-up sheet. When confronted with this information over the telephone, Bell denied being a cop, exclaiming, "Are you crazy?" Repeated phone calls, visits to her house, and letters elicited no further response.

What has the police commission, which oversees PDID, done about all this? According to the guidelines, the commission president must appoint two commissioners to audit PDID at least twice a year, in order to ensure that no illegal spying takes place.

The first audit appeared nearly 18 months late. Not until Linda Valentino, head of the American Friends Service Committee's Police Surveillance Program in Los Angeles, wrote a letter in February 1978 to commission president Mariana Pfaelzer asking about the audit, did anyone notice that it had never been done. Pfaelzer waited another month to appoint a commissioner to assist her with the audit and took seven more months to finish the report.

Pfaelzer was evasive when questioned about the delay on the audit. She first claimed to have completed it in the required time, and then confused it with the commission's review, an entirely different procedure. Finally, she said, "What I'm telling you



is that we've had what amounts to a continuing audit of that department. What we've tried to do all along is not only audit and discuss PDID's operations with the police department, but also to have a constantly evolving set of guidelines..." Assistant Chief Robert Rock denied that any sort of audit had previously been undertaken. Police commission minutes make no mention of an audit until March 28, 1978.

In view of this record, it is hardly surprising that Pfaelzer found no improprieties, but she did report that the PDID was watching 625 individuals and 37 organizations, none of whose names she would reveal.

Instead of investigating the PDID, Pfaelzer, a recent appointee to the federal bench, has tended to treat criticisms of that organization as personal affronts. When the 1975 list surfaced, she attacked those who released it and categorically denied their charges, saying, "No organization is spied on in this city because it is a political activist group."

Not everyone is so complacent, however. Spurred on by charges of illegal spying, City Councilman Zev Yaroslavsky proposed examining PDID's guidelines and the audit process and also proposed a city Freedom of Information Act, modeled after the federal version. If the hearings on the two motions are any indication, chances of enactment look slim. The LAPD adamantly opposes both—former police chief Ed Davis once said that the FOIA was "a suicidal sort of thing"—and the city council shows more interest in praising the LAPD than in gaining more information about its activities.



WHEN POLICE GO WILD

By GLENN GARVIN

The recent wave
of police violence
in Texas is not
simply a matter
of race. In Texas,
it's the cops
versus everyone.

"T HERE IS SOMETHING LOOSE IN this city," Houston's tormented mayor Fred Hofheinz says, "that is an illness." Young Joe Campos Torres probably wouldn't have put it so eloquently, but he would have understood.

On a warm May night in 1976, Torres, a laborer and ex-GI (he was discharged for a drinking problem), got into a fight with the manager of the barrio cantina where he had been drinking for 12 hours. The police soon arrived and six policemen took the spitting, cursing Torres away in handcuffs.

But they did not take him to jail, where he unquestionably belonged. Instead, the patrol cars drove to the Buffalo Bayou, a filthy inlet in an old warehouse district. There five of the policemen beat Torres bloody. If that were the end of the story, probably no one would ever have heard a word of it. But when the police finally dragged Torres into the city jail, the duty sergeant refused to book him and ordered the patrolmen to take him to a hospital emergency room for treatment. The patrolmen didn't want to bother with that; after wasting several hours at the hospital they would only be able to charge Torres with drunk and disorderly conduct. They decided to let him go instead.

But Torres didn't seem suitably grateful. Instead, he cursed the officers when they returned to the car. So they drove him back to Buffalo Bayou. "Let's see if the wetback can swim," one of the cops said. After generously removing his handcuffs, they hurled Torres, battered and bleeding, over a 20-foot embankment into the bayou. Three days later his body washed to shore.

This story is unusual. Not because it involves Texas cops beating up a prisoner. Not because somebody died. It's unusual because the policemen were prosecuted, and because some of them were convicted and got jail terms, however light. Usually when a suspect dies, it's from an "accidental gunshot." In Houston, between 1974 and 1977 the grand jury heard 25 cases of policemen shooting civilians, but only one cop was indicted, an off-duty policeman who gunned down a businessman after their cars collided on the freeway. "Every time the gun accidentally goes off in Texas," bitterly observes Ruben Bonilla, a Corpus Christi attorney, "it ends up in the head or stomach of a Mexican-American citizen."

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Hofheinz and Bonilla are partly right. There is an illness, but it's not loose only in Houston; it's loose throughout Texas. And the illness does not claim only the lives of Mexican-Americans; blacks and whites are killed, too. Consider these cases:

➤ Twelve-year-old Santos Rodriguez and his brother were home in bed when two Dallas policemen roused them after midnight on July 24, 1973. The cops wanted to know if the boys had burglarized the coin box of a gas station soft-drink vending machine. To get at the truth, one of the policemen put a .357 Magnum to Santos's head as he sat in a squad car. The policeman spun the cylinder, then pulled the trigger. The cop later said he thought the gun was not loaded. The Rodriguez boys were cleared of any connection with the burglary.

➤ After drinking a couple of margaritas the night of September 14, 1975, Frank Hayes, police chief of Castroville, a town near San Antonio, decided he had solved a burglary. So Hayes gathered a deputy and two other men and arrested 26-year-old Ricardo Morales, a part-time construction worker. The television and stereo sets he was suspected of stealing were actually rented, but that didn't stop Hayes. "You're a thieving bastard and I'm gonna kill your ass," he informed his terrified prisoner. "I've already killed one Mexican, and I'm going to kill another."

The men drove Morales to a deserted dirt road outside of town. "Uncuff him and let him run so I can shoot him," Hayes commanded. Then he rammed his shotgun into Morales's chest and fired. (The shot was at such close range that the shell wadding was later found in Morales's lung.) After the murder, Hayes ordered his own wife and daughter, and another woman to bury the body 400 miles away, near the Louisiana border.

Still unexplained is Hayes's cryptic remark, "I've already killed one Mexican." A lot of people wonder about the death in 1975 of young Johnny Rodriguez, who was found with a .22-caliber slug in his head. The coroner's verdict was suicide; the body was discovered by Frank Hayes.

➤ Milton Glover walked funny, and in Houston that can be a capital offense. The black Vietnam War veteran was strolling through southeast Houston on March 21, 1976, when he attracted the attention of two passing policemen. They decided he looked "wild-eyed," and they careened their cruiser across the street to challenge him. When Glover reached into his pocket, the police opened fire, and they kept pumping bullets into him even after he fell to his knees—there were eight in all. When the police were finished killing Glover, they walked over to see what he was pulling out of his pocket. It was a Bible.

➤ In January 1977 Houston police began watching the hotel room of Sanford Radinsky, a wealthy attorney with some admittedly unconventional ways. According to a police affidavit, an officer had "accidentally" glanced into an open window on the twelfth floor of the once-grand Rice Hotel and noticed two women and a man making love near some cameras. Police never came up with any evidence that Radinsky was producing pornography, but after prolonged surveillance of the room they became convinced that Radinsky had some methaqualone. Illegal possession of methaqualone, a depressant, is a misdemeanor.

Without even a scrap of evidence that Radinsky had committed any other crime, 16 Houston police wearing bul-

letproof assault jackets stormed into his hotel room. The attorney was nude in bed with two women. When he stood up the police riddled him with seven bullets. Three of the bullets were fired from a range of 14 inches or closer.

➤ Like Radinsky, 17-year-old Randy Webster was white, and what happened to him should certainly prove that the Houston police do not discriminate racially in choosing whom to kill. In February 1977 Webster stole a van and led police on a long high-speed chase. Near the end the police began firing at the moving vehicle, a tactic favored by TV cops but prohibited by Houston police policy.

After several miles the van finally skidded to a halt. Billy Junior Dolan, a taxi driver who attempted to head off the van, saw young Webster hop out and raise his hands. Two policemen grabbed him and held him down on the pavement, and a moment later Dolan heard "a muffled gunshot like when you shoot a watermelon, and I saw the kid twitch." Webster, a Shreveport kid who had been in and out of minor jams all of his life and was about to enlist in the navy, was killed instantly.

The police said that Webster jumped out of the van with a gun in his hand and that they shot in self-defense. An unloaded gun was found, but many suspect it was a "throw-down," a weapon carried by police to dump as evidence in case they mistakenly shoot an unarmed person. (This suspicion was reinforced by the discovery that the gun had been stolen from the police property room.) The patrolmen also had to contend with an autopsy report that showed the bullet that killed Webster entered the back of his head on a downward trajectory—a report that supports the taxi driver's account and casts a great deal of doubt on that of the police.

➤ When Larry Lozano died in the Ector County jail in Odessa, on January 22, 1978, deputies swore Lozano killed himself by beating his head on the glass window of a door in his padded cell. Lozano was "mentally ill," they said.

Some jail inmates claimed that lawmen beat the unemployed laborer to death, but this claim was given little credence until a jailer added his voice to the accusations. El Paso County medical examiner Fred Bornstein, hired by Lozano's family, said his autopsy indicated the death was homicide, but an Ector County court of inquiry ruled the death was accidental.

➤ In July 1978 an off-duty policeman in Laredo stopped a car that, he says, was being driven erratically. Inside were three resident aliens from north Texas. The cop, who had been drinking, held a shotgun to the head of one man as he checked his identification. The shotgun went off, killing 32-year-old Juan Benito Martinez. This time the policeman's skin was brown, not white. His name is Antonio L. Elizalde.

IN AT LEAST 12 OTHER INSTANCES DURING the past five years, a law-enforcement officer killed a civilian under questionable circumstances. And although the slate certainly shows that chicanos are often the victims of "accidental" police violence, there are enough black and white victims to suggest that the cause is something more complex than simple racial prejudice.

Some chicano leaders agree. "It's racial, but it goes way beyond that," says San Antonio attorney Ruben Sandoval, staff counsel to the League of United Latin American Citi-

zens (LULAC). "It's the mentality that permeates this state that a badge and a uniform gives license to kill. The juries can't see beyond that uniform. . . . Police brutality and the problems of it are not a franchise to the Mexican-American people. It happens to whites and blacks as well. We're actually talking about human rights."

THE BELIEF IN THE OMNIPOTENCE OF the police officer dies hard. When a rookie Houston patrolman named Alan Nichols did the unthinkable and reported three fellow officers for the vicious beating of a black prisoner, police internal-affairs investigators tried to have him fired, the chief publicly reprimanded him, and other police ostracized him. Said Nichols: "The feeling that whatever a police officer does is all right *because* he's a police officer scares me. It sounds like something Germany would have done during World War II. I can't believe it's here in Houston, Texas. You can't change this attitude from the bottom up—you have to change it from the top down."

So far there is little sign of that happening. In only 5 of 20 questionable police killings over the last five years have criminal charges been filed:

 The Dallas policeman who killed Santos Rodriguez with his game of Russian Roulette was convicted of murder in state court. His sentence: five years in prison. When the U.S. Justice Department announced this summer that it would not try the cop for violating Rodriguez's rights, some 700 chicanos marched through the streets in protest.

 Frank Hayes, the Castroville police chief who blew up Ricardo Morales on a dirt road outside of town, was convicted in state court of aggravated assault and got 10 years in prison. His wife, who buried the body in a deserted field, pleaded no contest to a misdemeanor charge of "tampering with physical evidence"; she was fined \$49.50. The woman who helped her with the burial was not charged.

A federal grand jury indicted the three on civil rights charges in 1977, and all were eventually convicted. The police chief got life imprisonment, his wife 10 years in prison, and the other woman three years.

 Two Houston policeman who beat Joe Campos Torres and then threw him into Buffalo Bayou were convicted in state court of negligent homicide, a charge usually associated with auto accidents, and fined \$2000. Their one-year prison sentence was probated. (A few days after the trial ended, Torres's father and mother were arrested in Houston on charges of resisting arrest. It seems Joe Torres, Sr., saw police arrest a young chicano at gunpoint in a bar. Following them outside, he asked, "Are you going to kill him like you killed our son?" The Torreses were arrested and bail was set at \$1900—just \$100 less than the fine against the police officers for killing their son.)

The two policeman and one other were tried on two federal charges and convicted. But Judge Ross Sterling gave the men a suspended 10-year sentence on one charge and a year in prison on the other. The judge called the Torres case "a situational offense" police "will never encounter again."

 Charges in two other killings—the Webster case in Houston and the Martinez case in Laredo—have not yet come to trial.

The state's reluctance to file charges against police, and the relatively light sentences they get on the rare occasions

when they are convicted, have led some critics to demand more federal prosecutions. "The abuse will continue unless the Department of Justice vigorously prosecutes so as to change the attitudes on the lower levels where the problem really lies," says Bonilla, state director of LULAC.

Bonilla advocates dual prosecutions: When a state court fails to hand down a stiff sentence, he thinks federal prosecutors should try the same defendants on civil rights charges. Between 1959 and 1977 the U.S. Justice Department refused to prosecute such cases, but under Attorney General Griffin Bell that policy has changed.

Although federal prosecutions in cases where the state has failed to take *any* action would be useful, there is some doubt about dual prosecutions. For one thing, they may not work. The federal sentences handed down in the Torres case were hardly more severe than those meted out by the

July 24, 1973	Santos Rodriguez, 12
July 4, 1974	Elisio Camargo, 21
Sept. 14, 1975	Ricardo Morales, 26
March 21, 1976	Milton Glover, 27
Nov. 24, 1976	Oscar P. Arguello, 20
Feb. 8, 1977	Randy Webster, 17
Feb. 10, 1977	Sanford Radinsky, 36
Feb. 20, 1977	Juan Zepeda, 42
Feb. 20, 1977	Tommy Henning, 39
May 5, 1977	Joe Campos Torres, 22
May 18, 1977	Juan Velez Zuniga, 33
Nov. 6, 1977	Tirburcio Santome, 37
Dec. 8, 1977	Juanito Galaviz, 19
Jan. 10, 1978	Larry Lozano, 27
Jan. 23, 1978	Danny Vasquez, 17
June 25, 1978	Timothy Rosales, 25
July 9, 1978	Juan Benito Martinez, 32
Aug. 1, 1978	Pablo Martinez, 25
Aug. 22, 1978	Jesus Gallegos, 34
Nov. 2, 1978	Manuel Facondo, 26

state court. For another, such prosecutions amount to double jeopardy, factually if not technically. And they've run into some surprising opposition. Buck Rindy, editor of the counterculture weekly *Austin Sun*, attacked what he called "a political decision, not a judicious one" to pursue dual prosecution in the Torres case.

"The law was bent to punish [the police], because federal prosecutors, following directions from Washington, decided the defendants had not been punished enough," Rindy wrote. "Those who are applauding should consider this: it is rare that government bends the law to prosecute its own officers. It is the poor, the rebellious, the dissident, the minorities who must often confront doctored evidence, false accusations, spurious indictments and political prejudice. . . . If radicals, dope smugglers, pornographers, political

dissidents, Black Muslims and striking farm workers all deserve a rigorous interpretation of the Constitution, then so do two Houston cops. If the Constitution is a chameleon, changing color according to circumstances, let me assure you it will not be the powerful and rich who suffer from it." The left-liberal *Texas Observer* took a similar stance.

Rindy's surprising column was not the first example of ideological paradox in the wake of the police killings. Many liberals found themselves denouncing judges for going easy on accused murderers. And Texas conservatives privately snickered. "We were never in favor of passing out probated sentences like sugar candy," said one. "We've been after bubbleheaded judges for years. Only it used to be racist, but I guess times have changed."

Bonilla acknowledges that in seeking tougher prosecutors and stiffer sentences he's not pursuing a traditional liberal

as	Shot during interrogation
nview	Shot during arrest
troville	Shot after arrest
iston	Shot while walking along street
Antonio	Shot during scuffle with off-duty cop
iston	Shot during arrest
iston	Shot during arrest
Antonio	Beaten in jail
iston	Shot during arrest
iston	Beaten and drowned after arrest
ra Blanca	Beaten in jail
den City	Shot after arrest
Spring	Shot during arrest
essa	Beaten in jail
on City	Shot during arrest
nview	Shot during arrest
edo	Shot during interrogation
ryton	Shot during arrest
co	Shot during arrest
Antonio	Shot during arrest

course. "People say that we're being too emotional, that we're moving to the left," he said. "We're not moving to the left at all, we're trying to move to the right and enforce the constitutional rights that belong to all our people. In almost every murder that has occurred in Texas, the murder has resulted out of the commission or following the commission of a misdemeanor offense, and there is no misdemeanor offense in Texas that requires the death penalty."

Aside from federal prosecutions—and will civil rights statutes ever be used to protect whites killed or otherwise abused by police?—most of the solutions proposed around Texas have made little sense. Many have called for a state civil rights statute, but it's hard to see what that would accomplish. If local officials won't charge policemen under existing murder laws, what reason is there to believe

they'll do it under newer and vaguer civil rights laws? The problem lies not in the law but in its enforcement. And Sandoval's threat to take the issue of police brutality to the United Nations makes no sense; the average Big Spring policeman, drawing a bead on a fleeing chicano speeder, doesn't care what the UN General Assembly deplures.

TWO THINGS ARE PLAIN. ONE IS THAT the Justice Department's failure to move frequently or harshly enough against police has so dismayed chicanos that it may cost Jimmy Carter the state of Texas in the next election. And that in turn could cost him the presidency. "Carter promised us justice," mused Dallas banker Jerry Luna, "but he only does something for people over there in other countries, people we don't even know. What about the people here in his own country? What about us?" Bonilla says that Carter has "committed political suicide" and "he can write off the chicano vote in Texas in 1980." In the November elections the Democratic party narrowly lost the Texas governor's mansion for the first time in 105 years, and what was expected to be a successful challenge to Republican U.S. Senator John Tower fell just short of its goal. Both outcomes must be attributed in some part to a lack of chicano enthusiasm for the Democratic party.

It is also apparent that respect for the police is breaking down in Texas—among all races. "Judicial indiscretion, I believe, breeds a contempt of the law . . . The failure of the federal and state governments to act on this matter in an affirmative way breeds a distrust of the judicial system and will certainly breed groups that are militant and who advocate social disorder," says Bonilla. Nowhere is that trend more evident than in Houston, where the wildest police abuses have taken place. Last May, on the anniversary of Torres's murder, chicanos rampaged through the streets of the barrio there and took over a 10-block area, smashing windows and setting fires. The 350 police called in to quell the disturbance were powerless to do anything without touching off new violence. They just tried to contain the riot and hoped that it would burn out quickly.

Veteran Texas attorney Percy Foreman, who's made a lot of money over the years defending policemen on charges of brutality, calls Houston a "police state." *Texas Monthly* magazine mocked Houston police with a cover that depicted them as a motorcycle gang and asked "what happens when cops run wild?" That issue, which sold out almost immediately, included this little ditty: "If you ever go to Houston/you'd better walk right/you'd better not gamble/and you'd better not fight."

And recently a young Austin woman recounted the fears of family members who live in Houston.

"My cousin was picked up on suspicion of vandalism or some trivial thing like that," she said. "They threw him in jail and they wouldn't let him call home until the next morning. My aunt was just furious when she picked him up. 'Don't you know these people are your worst enemy?' she asked him. 'Don't you know they'll kill you if you step out of line?' My sister is the same way. She says every time she gets stopped on a traffic ticket she wonders if she'll get out of it alive."

"And you know, these people are not crazy hippies or anything. My aunt lives in a \$100,000 house in the Memorial section of Houston. They vote Republican. They're the kind of people you would expect to support the police. And they're scared."

**U.S. investigators working on the
Letelier murder case have discovered an
international assassination campaign by
the Chilean regime.**

Chile's MURDER, INC.

By JOHN DINGES

AUGUSTO PINOCHET, Chile's military dictator, placed his thumb and forefinger to his lips in the form of a cross and swore he was innocent of the assassination of Orlando Letelier, former Chilean ambassador to the United States. So thoroughly Latin a gesture was understood by few of the Washington reporters at Pinochet's news conference that day in September 1977, at the Chilean embassy. But his oath made a few of the Latin Amer-

icans there flinch. "I am a Christian, not an assassin," Pinochet said. "I can swear that nobody in the Chilean government ever planned such a thing."

The Justice Department, the FBI, and a federal grand jury think otherwise. On the second anniversary of Letelier's death, September 21, 1978, the U.S. government took the unprecedented step of asking the Chilean courts to extradite the former head, and two officers, of Chile's secret police, formerly known as DINA. The grand jury has indicted eight men in the Letelier case: retired General Juan Manuel Contreras, head of DINA in 1976; Lieutenant Colonel Pedro Espinoza, chief of operations for DINA; Captain Armando Fernández, a DINA officer; and five members of the New Jersey-based Cuban Nationalist Movement (CNM) who allegedly set up

the bombing and acted as the actual hit men.

But the evidence turned up by the Justice Department investigation goes far beyond the Letelier case. Its findings—many of which will never surface in court—reveal what many have long suspected: that there is a worldwide network of South American secret police squads working in collaboration with anticommunist Cuban exiles to terrorize opponents of the Pinochet regime.

A reliable Chilean lawyer, who had access both to the still secret extradition papers handed to the Chilean foreign ministry and to other information developed by the FBI, described the evidence meticulously gathered by the prosecutors. "It's hair-raising . . . They reveal a gang of assassins operating in cold blood." He ticked off the

JOHN DINGES writes on Chilean politics for the Washington Post, Time magazine, and other publications. He gratefully acknowledges the support of the National Fund for Investigative Journalism for his recent trip to Chile.

list of assassination attempts the FBI had uncovered. The attempts involved not only DINA and Cuban exile groups, but also Italian and Argentine anticommunists. Besides the victims of the Letelier bombing, at least two other people were killed and two wounded.

■ General Carlos Prats, an exiled anti-coup officer who preceded Pinochet as commander in chief of the Chilean army, and his wife Carmen Sofia, were blown up by a bomb placed under their car in Buenos Aires on October 1, 1974. Argentine terrorists worked with DINA agents on the job.

■ Bernardo Leighton, former senator, cofounder of Chile's Christian Democratic party and leader of its left wing, and his wife Ana, were shot at point-blank range near their home in Rome on October 6, 1975. Both survived, but Leighton stopped his efforts to forge a leftist-Christian Democratic alliance to topple Pinochet, and his wife is still paralyzed from her wounds. Italian neofascists allegedly helped DINA carry out the operation.

■ Carlos Altamirano, General Secretary of the Socialist party, was the target of an assassination plot by DINA and CNM members in 1975.

■ Andres Pascal Allende and Mary Anne Beausire, leaders of MIR, the ultraleftist resistance group, were marked for assassination by a contract between Contreras and Cuban exile terrorist Orlando Otero. The hit was to have taken place early in 1976 in Costa Rica, where Pascal and Beausire had been granted asylum after escaping a DINA manhunt in Chile. Otero, who apparently acted as a double agent for Venezuelan intelligence, accepted the mission. He then balked and was subsequently arrested by DINA and turned over to the FBI to face charges of bombing Miami International Airport; he was convicted in 1977.

■ DINA dispatched an assassination team to New York in 1975 to kill Christian Democratic politician Gabriel Valdes, now a UN official, but the FBI got wind of the plot and aborted it.

The threats against Valdes, and the FBI's intervention, became public in 1975. The real bombshell was the information, attributed to Michael Townley, himself a central figure, about DINA involvement in the Prats and Leighton cases. Townley implicated Contreras, and by extension Pinochet, in the murder of General Prats; for his fellow generals this

charge is infinitely more serious than killing exiled leftists.

DINA involvement in the two attacks was alleged long ago. The news is that DINA agent Townley confirmed the charges on the basis of first-hand knowledge. The Justice Department refuses to discuss the substance of Townley's testimony regarding Prats and Leighton, but it has been confirmed by two other sources, one close to Alfredo Etcheberry, the Chilean lawyer representing the United States in its extradition request, and the other a Chilean who has remained in telephone contact with the imprisoned Townley. Last September, moreover, Townley, on Italian television, admitted his own involvement in the Leighton plot.

ORLANDO LETELIER was another of DINA's victims. Letelier by 1976 had become the acknowledged head of the leftist Popular Unity (UP) exile community in the United States, and one of the five or six top leaders of the Chilean Socialist party, the largest

Fernández then returned to Chile while Townley went on to New Jersey, where he had a series of meetings to discuss the assassination with the indicted CNM members Virgilio Paz, Jose Dionisio Suarez, Guillermo Novo, Ignacio Novo, and Alvin Ross. Using explosives provided by Guillermo Novo, Townley, Paz, and Suarez built a bomb in a Washington, D.C. motel room. The next night, September 19, Townley himself attached the bomb under Letelier's car.

As Letelier drove to work on the morning of September 21, the bomb was detonated by a radio device. The blast under Letelier's seat ripped through the car, severing his legs; it also cut an artery in the neck of co-worker Ronni Moffitt, who was sitting beside him. Both died before they reached the hospital. Ronni's husband Michael, riding in the back seat, miraculously suffered only minor injuries.

The chain of events outlined in the indictment is welded together by the testimony of Townley, himself one of the mystery figures of the Letelier case. Expatriate American, gifted elec-

Chile formed a global network of secret agents.

party in the UP coalition. Having survived the bloody September 11, 1973 coup and a year's imprisonment in various concentration camps, he had no bodyguard and took no security precautions while in exile.

The U.S. dossier on his murder contains testimony, by more than three dozen people, supporting the indictment returned by a grand jury in August against the three DINA officers and the five members of the Cuban Nationalist Movement. According to the indictment, DINA sent Townley to Paraguay in July 1976 to obtain false Paraguayan passports and visas to the United States. Fernández and a female DINA agent flew to Washington in late August to conduct surveillance of Letelier. The two agents met and briefed Townley on his arrival in New York on September 9.

tronics and radio technician, auto mechanic, zealous anticommunist, international terrorist, and frequenter of the U.S. embassy and CIA station in Chile, Townley admitted to setting up the Letelier bombing on orders from DINA officials Espinoza and Fernández. He claims Espinoza recruited him to work as an electronics and bomb specialist a few months after the bloody military coup that brought Pinochet to power in September 1973.

The Chilean government expelled Townley last April in response to the U.S. investigation. He boarded the plane to the United States wearing DINA handcuffs. Townley has told friends he was ordered by his DINA and Chilean army superiors to cooperate fully with the U.S. investigators, and he began to talk after reaching a plea bargaining agreement with prosecu-

tors. In return for his testimony, Townley will receive a 3-to-10 year sentence on one count of conspiracy to murder, protection for his Chilean wife and two sons, and a new identity.

Chilean government spokesmen cite Townley's expulsion to support their argument that the government was innocent of the assassination. Although Townley implicates Fernández and Espinoza, he nowhere mentions Pinochet or direct orders from Contreras. Contreras, however, is linked to the DINA mission by two sources who claim not to know that the purpose of Townley's mission was to assassinate Letelier.

One informant is Fernández, who talked reluctantly to an FBI agent early this year and answered written questions put to him in April by U.S. investigators through a diplomatic procedure known as "letters rogatory." Fernández admitted he received orders directly from Contreras to go to Paraguay in July 1976, and then to the United States in late August. Fernández refused to disclose the purpose of the trips, but Townley, who accompanied Fernández to Paraguay and met with him again in New York shortly before the assassination, says both trips were part of the Letelier murder operation.

The other source implicating Con-

treras to diplomatic sources, then-U.S. ambassador to Paraguay George Landau grew suspicious that Chileans were seeking official visas in Paraguay, and revoked the visas a few days after they were issued. Landau obtained photos of the two men from the visa applications, and sent them to Washington before the Letelier assassination occurred. Almost a year later the pictures were discovered and led to the crucial identification of Townley and Fernández.

Guanes told the FBI that he telephoned Contreras after the passports and visas had been issued and after Townley and Fernández had already returned to Santiago. Guanés demanded that Contreras return the passports, unused, in the next diplomatic pouch, which he did.

Several U.S. officials have acknowledged that the granting of visas to officials of friendly foreign governments under false names—even to secret police agents—is not unusual. What remains unexplained is why the Townley-Fernández mission triggered alarms in the offices of both Landau and Guanés. Also unexplained is why the State Department failed for so long to notice in its files the photos of the two suspicious DINA agents who wanted to go to the United States only a short time before Letelier was killed.

High foreign ministry officials spent much of that night reading the U.S. case. The next day the box was delivered to Supreme Court President Israel Bórquez, designated ex officio to handle extradition cases. Bórquez locked up the packet of evidence in his office safe but unbeknownst to him, and despite U.S. precautions, a secret copy made the night before in the foreign ministry was already on its way to Contreras and the other two defendants under arrest in suites at Santiago's military hospital.

On receipt of the evidence, Bórquez immediately invoked a criminal proceedings rule providing for a secret investigative hearing called a "summary." The secrecy ruling was the pretext for Chilean newspapers and television stations, all owned by the government or ardent government supporters, to ignore what soon became a flood of leaks about the documents. Instead, they gave space to unsubstantiated "inside information" propagated by Contreras followers. Typical was the revelation of one TV commentator: "According to my information [the murder] was the consequence of a complicated plan of the KGB carried out by Cubans infiltrated [by Fidel Castro] into the United States."

The ruling also denied the lawyer representing the United States, Alfredo Etcheberry, access to the extradition proceedings—a limitation he said would "irremediably" prejudice the U.S. case. U.S. diplomats in Santiago and Justice Department officials in Washington, officially silent, were seething.

They grew even more upset as Judge Bórquez dillydallied for almost a month without calling the three defendants to answer the U.S. charges. Formal interrogation had been the first step in past extradition cases in Chile, and took place within hours.

U.S. diplomats had received assurances from Foreign Minister Cubillos that the extradition request would be given a fair public hearing. Now some U.S. officials were raising the possibility—as one put it later, in Washington—of "picking up our marbles and going home"; that is, of withdrawing the extradition request to protest the judge's increasingly obvious bias.

While Justice Department officials consulted as to their next move, Contreras spent his days with his lawyer poring over the "secret" U.S. evidence against him, preparing answers to Bórquez's anticipated questions.

DINA agents link their chief to the murder.

treras is General Benito Guanés, head of Paraguayan military intelligence; his testimony to the FBI provides a glimpse into the nature of secret cooperation among Southern Cone military governments. Guanés told the FBI that Contreras sent a coded telegram on July 17 asking him to provide official Paraguayan passports to two DINA agents using false names, and to help them obtain visas to the United States.

The Justice Department's spectacular coup in obtaining the testimony of one secret police chief against another stemmed from DINA's bungled effort to obtain safe, untraceable travel papers for the Townley-Fernández team. Ac-

DESPITE SUCH DELAYS, the investigation has inexorably moved into its final stage. On September 20, Ambassador Landau paid a brief visit to the foreign ministry in Santiago. He officially turned over to Foreign Minister Hernán Cubillos the U.S. extradition request and a 25-pound box of supporting evidence prepared by the FBI and the Justice Department. The foot-high stack of paper, and an envelope containing a role of movie film, were elaborately bound with metal rivets and diplomatic ribbons to prevent tampering and photocopying.

Friends of Contreras, including at least one former DINA propaganda operative, spread the word that the U.S. evidence was ludicrously weak, based almost entirely on the testimony of Townley, an expatriate American who they said had been coerced and then “bribed” by the promise of a light sentence to say he carried out the assassination on DINA orders. “The proofs are a ‘Three Stooges’ movie,” one such source said.

THE PRESSURE ON Pinochet is mounting, even if no one has yet produced a smoking gun with his fingerprints on it. The opposition Christian Democratic party has demanded that President Pinochet resign because of his “moral and political responsibility” for the assassination; it compared him to Richard Nixon, President Giovanni Leone of Italy, and West German Chancellor Willy Brandt, all of whom resigned their posts as a result of wrongdoing discovered in their governments. A high party official interviewed in Santiago claimed that Pinochet, as Contreras’s sole superior—since DINA functioned as a direct arm of the presidency without separate military or judicial control—was responsible for either the act itself or for failing to control his subordinates.

But the party leader realized the futility of making political and legal arguments as long as Pinochet is in power. The Chilean news media, he said, did not even dare publish his call for Pinochet’s resignation. “He has the skin of an elephant,” the official said. “He’s living in limbo, but his supporters are still with him and he won’t go.”

Pinochet’s base of support has been drastically eroded, but the opposition in Chile still has reason to be glum. The president has cleverly managed the Letelier affair inside Chile, consolidating wavering rightist civilian groups behind him in a recent offensive against remnants of organized opposition in the unions.

A former Pinochet government official—long since disillusioned with the regime he originally hoped would not only restore free enterprise but strengthen democracy in Chile—outlined the thinking of Pinochet supporters: “Few Chileans have a reasonable doubt that Letelier was killed on direct orders from Pinochet. Even his strongest supporters recognize that. They think it was perhaps a mistake to

have killed Letelier, but that it was war and Letelier was the enemy and was asking for it. Are you so naive, they say, as to think the United States doesn’t do the same thing—that when they find someone working for the Soviets they don’t go kill him?”

The rally-round-Pinochet trend on the civilian right in recent months appears to be based on pragmatism, not sentiment. A brief attempt by Pinochet aides to organize an emotional inauguration of a mass “Pinochetist movement” fizzled embarrassingly in July.

But the continuation of business support for his policies was sym-

bolized by the willingness of Hernan Cubillos, a major figure in publishing, to become the regime’s first civilian foreign minister. Many Chileans credit Cubillos’s support with preventing the collapse of Pinochet’s regime last April and May, when the government’s involvement in the Letelier murder first became widely publicized.

The influence Cubillos wields apparently goes beyond the business community. The *Los Angeles Times* reported in November that Cubillos had been identified as a “principal” CIA operative in Chile, implicated in the 1970 attempts by the CIA and ITT to prevent leftist Salvador Allende from being elected and taking office as president. Cubillos was president of *El Mercurio*, Chile’s major newspaper, during the time when the newspaper received millions of dollars in CIA subsidies, according to a U.S. Senate investigation.

Pinochet’s critics demand his resignation.

The strength of his civilian and military support has allowed Pinochet to weather a dizzying succession of crises this year: the first street protests, in January, against a transparently arranged referendum to show support for Pinochet, which even two members of his military junta opposed; the firing of Contreras as head of DINA and the expulsion of Townley, both of which provoked outraged (but unpub-

licized) cries of “betrayal” in the army; and finally, the defection of air force general and junta member Gustavo Leigh into open opposition, which led to the resignation of 19 out of 20 air force generals.

The greatest crisis of all, the embarrassing stream of information linking the Pinochet government to the Letelier plot, has been successfully contained. Except for the Christian Democratic newsweekly *Hoy*, investigative reporting in Chile, which once played an important role in the identification and expulsion of star witness Townley, has sputtered and died. But the trial of the Letelier defendants, scheduled to begin on January 8, may fan the flames again.

“Time is in favor of the government,” a pro-Pinochet editor explains. “At first government supporters were horrified. With time, the disrepute began to concentrate on Contreras. Now all that is said is that Contreras acted badly, and Pinochet’s only fault was that he didn’t control Contreras enough. Pinochet has already made up his mind about Contreras, the matter is closed. He won’t stick his neck out to defend him any longer.”

Contreras the scapegoat? Won’t he talk instead? That remains to be seen. Only he can accuse Pinochet—whether it be true or not—of complicity in the assassination.

Publicly, at an unprecedented appearance to testify before Bórquez in late October, Contreras hinted darkly of his abandonment by the government and of mysterious machinations by the CIA in the Letelier case. Like Pinochet, however, he protested his innocence, and said DINA involvement in the Prats and Leighton attempts were “only rumors.” But he concluded with a chilling lesson in DINA morality: “We fight in the shadows so that Chileans can live in the sun Whatever action that is done for the good of the fatherland is clean.”

THE SECRET BETRAYAL, by Nikolai Tolstoy. Scribner's, 503 pp., \$14.95.

Victims of Yalta

ALFRED DE ZAYAS

ALL DURING 1945 AND 1946 A wave of new slaves flowed into the Gulag Archipelago, including the soldiers of General Andrei Vlasov's Russian Liberation Army (ROA), and other former Soviet subjects who had chosen to fight, or to help the Germans fight, the Red Army. Along with them came a million or more fugitives from the Soviet regime—people of all ages who had been liberated by the Allies, and then, against their will, turned over to the Soviets. Even thousands of old émigrés, living in the West since the Bolshevik revolution, were herded together at various points in Europe and delivered to the NKVD.

Aleksandr Solzhenitsyn saw them pass through the prisons like vast gray shoals of ocean herring. In the first volume of *The Gulag Archipelago* he wrote about them and about the secret surrender that brought them there:

It is surprising that in the West, where political secrets cannot be kept long, since they inevitably come out in print or are disclosed, the secret of *this* particular act of betrayal has been very well kept by the British and American governments. This is truly the last secret, or one of the last, of the Second World War. Having often encountered these people in camps, I was unable to believe for a whole quarter-century that the public in the West knew *nothing* of this action of the Western governments, this massive handing over of ordinary Russian people to retribution and death.

Indeed, the first major disclosure, in *Operation Keelhaul*—that courageous

book by the late Julius Epstein of the Hoover Institution—did not appear until 1973, and a year later Lord Bethell published *The Last Secret* in England. The secrets were finally coming to light. But no historian before Count Nikolai Tolstoy, a relative of the great novelist, had seen the British documents from the Potsdam Conference in July 1945, to the end of 1946. No historian has interviewed so many of the decision-makers at the Foreign Office and State Department—or so many of the victims.

The Secret Betrayal was published in Britain under the title *Victims of Yalta*, in February 1978. It posed a great challenge—one that required self-examination, both collective and individual, of a most profound and uncomfortable kind—as evidenced by the remarkable amount of comment it generated. How was it possible for British and American public officials to hand over millions of human beings to their enemies, knowing what would happen to them? Why did a free press in Britain and America, as George Orwell complained at the time, deliberately withhold the facts from the public?

In 1945, members of the British Foreign Office and the U.S. State Department took the easy way out by branding these Russians as traitors. Some of Tolstoy's critics have done the same, demonstrating an exceedingly limited sense of historical complexities—to say nothing of morality. The Americans and British had an easy choice in World War II: they fought for their country against a foreign enemy and shared a belief in the justice of their cause. How very different was the dilemma of millions of Russians, who had suffered more than twenty years of terror and persecution.

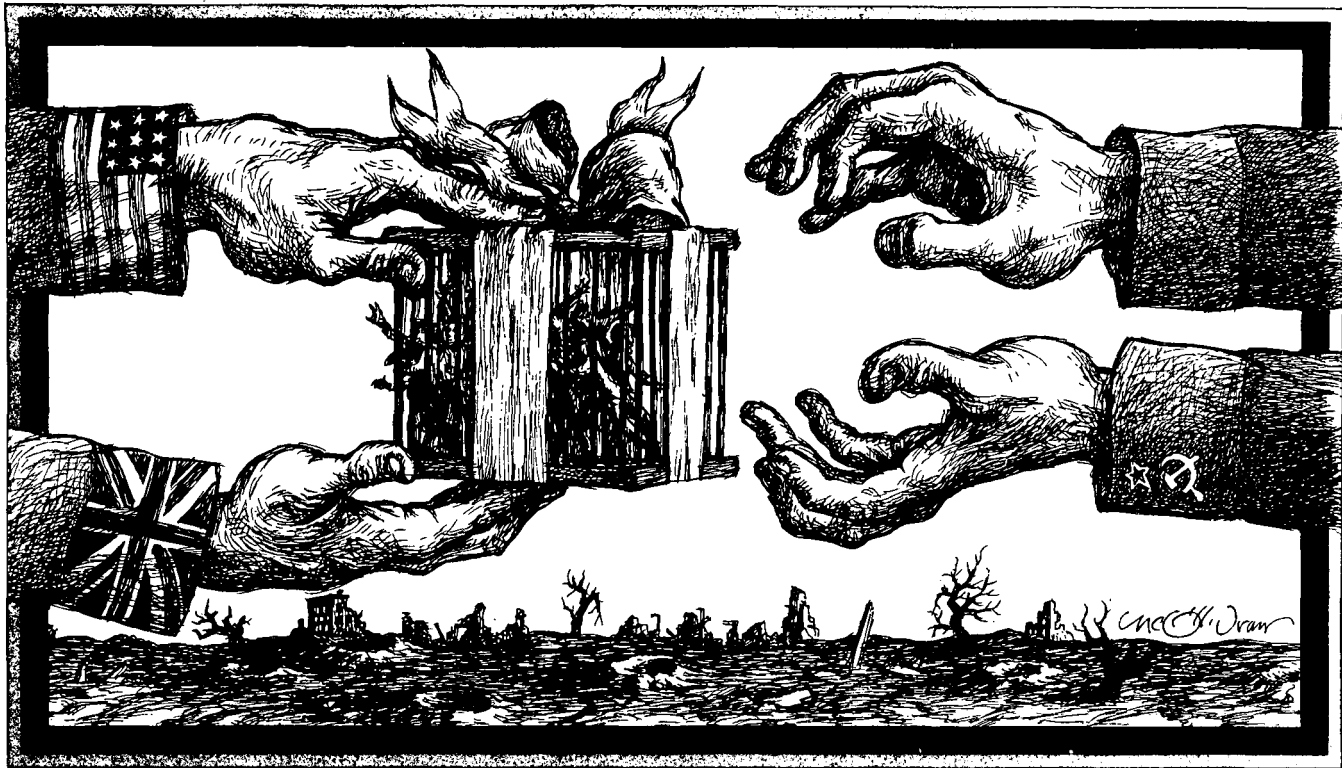
For about one million of them the enemy was at home. Should they have fought to preserve a criminal system that, according to Robert Conquest, in *The Great Terror*, at a minimum claimed seven million lives during the period of collectivization, and executed one million people in the years 1936 to 1938 alone? The Russians had a choice between a known criminal, Stalin, and an unknown foreigner who made a lot of false promises and in fact was only out to use them.

Over three million Russians had fallen into British or American hands, including laborers who had been brought by the Reich to work in Germany, and prisoners of war who had survived Hitler's camps. A majority of them wanted to go home. But even among the workers and the POWs, many knew that they would be banished, as indeed they were. These "pessimists" had to be repatriated by force; tens of thousands of them would perish in the Archipelago.

One is tempted to ask the simple question, Why was the Western tradition of asylum not extended to these unfortunates? Apologists for the forced repatriation policy assert that if the Western Allies had not returned all Russians, the Soviet government would have held the British and American prisoners who had fallen into Russian hands at the end of the war. As Tolstoy shows, the documents give no support to the claim that Stalin ever considered such a quid pro quo. Moreover, hundreds of thousands of Russians were forcibly repatriated over a period of two years *after* all Allied prisoners had been returned.

THE INITIAL REPATRIATION agreement was reached between British Foreign Minister Anthony Eden and his Soviet colleague, V.M. Molotov, at the Moscow Conference in October 1944. (As irony would have it, the conference was code-named "Tolstoy.") The agreement was then reviewed and approved by all parties, including the United States, at the Yalta Conference in February 1945. The record shows that the British and American delega-

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BRUCE MCGILLIVRAY

tions took this matter of repatriations very lightly. Besides, no one wanted to pick a quarrel with the USSR for the sake of the Russian dissidents. They were "expendable."

George Kennan, who throughout the period was at the U.S. embassy in Moscow, abhorred the policy adopted, but could not change it. As Kennan explained to Tolstoy:

Knowing, as we did, that the entire responsibility for the handling of the repatriations, and the punishment of those repatriated, was in the hands of the NKVD, and being under no illusions as to the fate that awaited these people on arrival in the Soviet Union, I was full of horror and mortification over what the Western governments were doing. But I cannot recall that anyone at the time ever consulted any of us in Moscow about this policy.

Qualms were expressed only with regard to *wartime* repatriation of Russians who had fallen into British or American hands while impersonating members of the Wehrmacht; the German uniforms would have entitled these Russians to treatment as German POWs and to the protection of the 1929 Geneva POW Convention to which Germany was a party. Forced repatriation of such protected persons could have given Hitler an excuse for reprisals against British or American POWs. Moreover, if uniform were not the criterion, then numerous American servicemen of German, Italian, or Japanese origin might find themselves likewise denied the protection of their

uniforms. This danger disappeared when the Wehrmacht surrendered unconditionally on May 7, 1945.

After that date, large-scale repatriations began, with the government of Great Britain playing an active role. Take for instance the betrayal of over 50,000 Cossacks, including the Kazachi Stan, an entire Cossack community complete with families, priests, covered wagons, and dromedaries. They had made their way to Austria and northern Italy and were then handed over to the NKVD on May 28 and June 1, 1945, along with three thousand elderly émigrés, who technically could not be "repatriated," since they had never been Soviet citizens. Tolstoy is uncertain whether this appalling infamy was deliberate British policy or a blunder of major proportions.

Among those involved were famous émigrés from the time of the civil war including Generals Peter and Semeon Krasnov, General Andrei Shkuro, and Sultan Kelich Ghirey. Several of these officers had been decorated by the British in 1919, many had Western European, Albanian, or Yugoslavian passports; others had "Nansen" passports, documents issued by a League of Nations agency to persons having no home government, which they shoved under the noses of quite confused British officers. The written orders actually provided that screening should take place to sepa-

rate Soviet citizens from noncitizens. Either these orders were superseded by oral orders, or they were disregarded in anticipation of the complications of screening and the fear that many Cossacks would try to escape if they learned of their destination. In the chapter entitled "An Unsolved Mystery," Tolstoy tries to disentangle what may have been a top secret and deliberate plan to hand over the old émigrés to Stalin, who was particularly eager to get hold of them. And, indeed, on January 12, 1947, after nineteen months of interrogations and humiliations, these old officers of the tsar's were executed. Peter Krasnov was 78 when the Soviets finally avenged his victories of 1918 over the Red Army.

Tolstoy's narrative is studded with haunting details and the testimony of witnesses, like a young Russian mother at Peggetz camp who described how British soldiers acting under orders broke up the resistance of the terrified Cossacks:

Those they caught struggled desperately and were battered. I saw how an English soldier snatched a child from its mother and wanted to throw him into a lorry. The mother caught hold of the child's leg, and they each pulled in opposite directions. Afterwards I saw that the mother was no longer holding the child and that the child had been dashed against the side of the lorry . . .

As the panic spread, a mother and her child hurled themselves into the

rushing waters of the River Drava. And why not? Everybody knew what was the fate of a woman in Gulag, particularly if she was young and pretty. Meanwhile, others tried to escape to the woods; most of them were shot at and killed. But, as Anthony Eden—who, Tolstoy states, “was responsible for initiating the whole policy”—wrote, “We cannot afford to be sentimental.”

THE UNITED STATES fortunately avoided many of the baser aspects of British policy, but harrowing scenes still occurred at Fort Dix, Kempton, Plattling, and Dachau. On January 17, 1946, at Dachau, near Munich, the Russians who were to be repatriated surprised the American troops by refusing to enter the trucks. It became clear that the only way the job could be done would be by force. On January 19, 500 American and Polish guards arrived at the camp. What followed was described in a report that the American political adviser, Robert Murphy, passed on to Secretary of State Byrnes, together with an angry cover letter:

They resisted entrainment by taking off their clothing and refusing to leave their quarters. It was necessary to use tear gas and some force to drive them out. Tear gas forced them out of the buildings into the snow where those who had cut and stabbed themselves fell exhausted and bleeding . . . Nine men hanged themselves and one had stabbed himself to death and one other who had stabbed himself subsequently died; while 20 others are still in the hospital from self-inflicted wounds. . . . The incident was shocking. There is considerable dissatisfaction on the part of the American officers and men that they are being required by the American Government to repatriate these Russians . . .

It was shortly after the Dachau events that Pope Pius XII issued a strong protest against the “repatriation of men against their will and the refusal of the right of asylum.”

Not only Great Britain and the United States repatriated Russians; even neutral Sweden betrayed 167 Balts, many of whom attempted, by suicide or self-mutilation, to avoid repatriation. Those who were sent to Soviet-occupied Estonia, Latvia, and Lithuania were either executed as “traitors” or sent off to long terms of slave labor.

Now, what is missing in Tolstoy’s book? Well, he merely mentions but does not go into the forced repatriation of 2700 German soldiers who had sought refuge in Sweden at the end of

the war. The majority of them had been fleeing the Russians and thought themselves safe in a neutral country that had received them and assured them upon arrival that they would not be handed over to the Soviets. Had they known otherwise they would have continued their flight to Denmark or to the Western occupation zones of Germany. But, as it happened, on June 2, 1945, the Soviet ambassador in Stockholm formally requested the handing over of the Germans. Sweden could and should have said “no,” since it had no obligation to comply, and, more importantly, because delivering refugees to their enemies obviously violated humanitarian principles and Sweden’s own traditions.

The logical sequel to Tolstoy’s book should be a study of the delivery of hundreds of thousands of German soldiers to the Soviets—not only by Sweden, but also by the British and American forces in Germany, who either refused to take them as POWs or, having accepted their surrender, turned them over just the same to the Soviets. Why? Because the USSR wanted them as slaves, as in the old days of Assyria and Persia; and because the Western Allies blithely complied with Soviet demands at Yalta when they defined “reparations in kind” to include “use of German labour.” I can think of no fairer historian for this task than Tolstoy himself.

**The
USSR
planned
to use
thousands
of its German
prisoners
as forced
labor.**

Considering the less than honorable record of the governments concerned, it is no surprise that incriminating state papers have either been destroyed or placed out of reach of serious scholars. In 1968 or 1969, for instance, the British Ministry of Defence destroyed the original “Operation Keelhaul” files, generated in 1945–1947 by Allied Forces Headquarters. Photocopies did remain, however, at the National Archives in Washington,

D.C., which could be released only by agreement with the British. The late Julius Epstein spent years trying to unlock the secret of “File 383.7-14.1—Operation Keelhaul,” which was held in the National Archives. At first the U.S. government was willing to allow access, but the British refused.

Together with Bertram Wolfe, Epstein brought suit under the Freedom of Information Act seeking disclosure of the classified file. On October 23, 1974, the United States Court of Appeals for the District of Columbia Circuit decided against the plaintiffs, holding that the “Operation Keelhaul” file was not subject to disclosure under the Freedom of Information Act. The court held the requested documents to be within the act’s first exemption: matters that are specifically required by executive order to be kept secret in the interests of national defense or foreign policy. It wasn’t until autumn of 1977 that Count Tolstoy succeeded in having the British Ministry of Defence partially open this particular file. He was then allowed to see many documents in the first of the three volumes. What was released, however, referred to routine matters. The remaining two files were due to be available by the end of 1978.

Tolstoy has proven his case that grave crimes were committed in connection with these forced repatriations. His disclosures should make us reflect not only on the endemic inhumanity of the Soviet system but also on the guilt that Western statesmen, in their impeccable offices in Washington and London, share for going along with Soviet demands, for collaborating in mass murder, and for acting almost as cold-bloodedly as any Nazi *Schreibtischmörder*.

Last summer a group of prominent Britons proposed in a letter to *The Times* that a monument to the victims be erected as an act of remembrance and expiation. The letter—signed by Sir Bernard Braine, Hugh Trevor-Roper, Dame Rebecca West, and Hugh Thomas, among others—invited private donations, and stated: “We feel that such a memorial, though it cannot save the victims, can provide a warning for the future . . . contributions should be sent to the Yalta Victims Memorial Appeal, c/o Coutts and Company, Chandos Branch, 59 Strand, London WC2.” Anyone who has read Tolstoy’s book and grasped the full horror of the repatriation policy is likely to endorse this appeal. □

THE UNIVERSITY AND THE STATE: What Role for Government in Higher Education? edited by Sidney Hook, Paul Kurtz, and Miro Todorovich. Prometheus Books, 1203 Kensington Avenue, Buffalo, N.Y. 14215. 296 pp., \$15.95.

Calling the tune

JOSEPH R. PEDEN

IT HAS BEEN SAID THAT every decade brings to the community of scholars its own special crisis; if that is so, the crisis of the seventies has probably been the academy's furious reaction to the increasingly intrusive dictates of the American state bureaucracy. The chief complaint of the aroused defenders of the university is that it has been subjected more and more to the maddeningly detailed oversight and intervention of the myriad federal bureaucracies created in the last two decades.

Like private businesses or labor unions, universities and colleges must now report to the feds their efforts to maintain faculties with the legally mandated racial and ethnic "mix"—quotas in all but name. The selection and retention of students is similarly supervised by HEW and the federal courts. Laws guaranteeing collective bargaining rights for university employees have almost destroyed meaningful collegial decision-making in the governance of academic institutions. Laws forbidding mandatory retirement at age 65 are bound to disrupt the promotion pattern characteristic of academic institutions and will almost certainly undermine liberal tenure policies. A misplaced demand for equality of the sexes is threatening the retirement pension systems of American universities, systems that have been based on different rates of payment for males and females, reflecting different life expectancies.

These governmental interventions

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and others are seen by many academics as fatal threats to the very mission and values of institutions of higher education. For this reason, the University Centers for Rational Alternatives sponsored a conference on the University and the State in Washington, D.C., in December 1976. The result is the present volume, containing some 26 papers and commentaries prepared for the conference.

As expected in any such effort, the quality of the contributions varies greatly. Some, like Chester Finn's "Federal Patronage of the Universities" and Arthur G. Powell's case study, "Harvard's School of Education and the Federal Government," are highly informative. Sidney Hook, in "The State and Higher Education," shows a keen understanding of both the problem and the solution, but shrinks from the implications of his position. And lawyer Kenneth S. Tolle's indictment of all critics of affirmative action as racists—is merely contemptible.

The central issue for the conferees was whether the university has some claim to exemption from general legislation addressed to all institutions in our society. Professor Allan Bloom, of the University of Toronto, was the most ardent defender of the notion, arguing that the university has a special mission that requires it to be autonomous, and free from politicization. Like the Church, the university's kingdom is not of this world, he asserts, but rather of the world as a metaphysical reality unencumbered by any particular political exigencies. It must also uphold the lasting human values, avoiding the temporary dictates of social fashions. Even less should the university bow to the dictates of those princes of this world—presidents, parliaments, or power brokers—who lay claim to ultimate wisdom as well as total power.

This argument for the autonomy of the academy, heard throughout the academic community, is a remnant of the origins of the institution in the Middle Ages. The medieval university, source of the tradition and structure of most modern universities, was organically connected to the Church, and derived its immunities from those the Church itself enjoyed. Universities were self-governing quasi-republics which, like the pope and bishops, sat in judgment of princes and principalities. Always a satellite of the Church, whence came its privileges,

the university saw its autonomy decline along with that of the Church as the absolute monarchies of the seventeenth and eighteenth centuries emerged.

In colonial times, our colleges were intimately linked to the established state churches. With the separation of Church and State, guaranteed first on the federal level by the Bill of Rights and later by the states, the Church avoided becoming an instrument of the State. But the Church's satellite, the college or university, failed to do so. Model "private" institutions such as Harvard, Dartmouth, Columbia, and Yale remained closely connected to their respective state patrons, receiving state endowments and having state officials as ex officio members of their governing boards. It was only in the late nineteenth century that these old, originally colonial universities and colleges separated themselves, for a variety of reasons, from the political institutions of their respective states.

MEANWHILE, THE EARLY states continued the colonial tradition of endowing institutions of higher education, and politics played a crucial role in their founding and subsequent governance. When Thomas Jefferson proudly declared his hope to turn the University of Virginia into a cradle of republicanism, he meant that it should exclude professors and students with federalist tendencies. When the legislature of New York founded Cornell University with the exclusive endowment of federal land grant funds, both Ezra Cornell, the philanthropist, and Andrew Dickson White, Cornell's first president, were members of the legislative assembly that passed the necessary bill.

Many state and private universities were thus conceived in political sin, and paid with diminished autonomy for their privileges. This unhealthy politicization has been greatly aggravated by the entry of the federal government into higher education. Spending, as of 1976, the princely sum of \$15 billion per year—equivalent to about \$1500 per college student or nearly \$24,000 per faculty member—the federal government has clout. And the academy is beginning to feel the impact.

Considering the strong defense of autonomy made by many of the conferees, one might expect at least the

suggestion of one "rational alternative" to governmental intervention: the constitutional separation of university and state. But almost all the participants view even a decline in federal subsidies as unthinkable, and a few openly prefer that future government benefactions be made without any specifications for use.

Sidney Hook alone seems willing to grapple with the unthinkable: refusing the federal carrot to avoid the federal stick. Hook admits that to preserve the integrity of its academic mission, the university may have to divest itself of new departments, divisions, and institutes, and return to the lean old days, when scholars led lives of genteel poverty. He believes this would be preferable to accepting "unreasonable" governmental intervention for the sake of affluence.

But like William J. McGill, president of Columbia University, Hook quarrels only with "unreasonable" intervention. As McGill puts it: "Federal regulation, if carried out fairly and responsibly and if aimed at genuine abuses, is a clear necessity in a free society . . . But coercive regulation as an exercise of power by inexperienced young advocates of narrow con-

stituency groups is very dangerous indeed and must be curbed." In other words, everything would be great if only McGill, Hook, et al. were running HEW and the federal courts.

What solutions are suggested by the conferees? Almost all the critics of federal intervention in university affairs see political action as the only alternative to loss of autonomy. Thus to save its autonomy, the university may come to destroy itself by entering the political arena, a dilemma often faced by the Church as well.

One of the most challenging alternatives offered to the conferees came from Robert Bork, professor of law at Yale who was solicitor general in the Nixon administration. Bork pointed to a basic flaw in his colleagues' assertion of the university's supposed right to be exempt from "unreasonable" federal regulation by virtue of its special mission. These academics, Bork argues, think that federal bureaucratic control is a "unique kind of error" because universities are so different, so much more complex than other institutions, that regulation is bound to be singularly destructive. But this is not true, Bork notes: "What we are witnessing is a more general phenomenon in

which government regulation expands to control the decisional processes of *all* institutions in the private sector, and the effects of overregulation are quite as pernicious for other private institutions, and indeed for state and local governments" as for universities.

The universities lost their claim to public support for their autonomy, Bork believes, when they became dependent on public funds, which required accountability to the taxpayers. The universities have allowed themselves to become highly politicized, some of the most prestigious among them taking pride in lending their faculty to staff public offices in the most partisan circumstances. Moreover, academics have been among the most vocal advocates of governmental control of private enterprises.

The crux of the problem faced today by all institutions in American society, Bork claims, is this: "It is demonstrable that government has come to believe in its own superior competence and morality and has, as a consequence, undertaken controls that have made economic markets and social processes work less well than they otherwise would. Why should anyone expect that government would suddenly become more modest about its righteousness and abilities when it turned to higher education?" He concludes that "the fate of universities ultimately will depend upon whether the large intellectual class they house comes to understand the institutions of our society or continues to press for statist, central control in all areas but their own."

If Bork is correct, the future of the university as an autonomous, or free, institution is doubtful. If the views of the conferees are representative of the academy at large, and one fears that they are, then most academics see the problem as one of minor bureaucratic adjustment, a better definition of jurisdictions, and increased pressure for more federal money with fewer strings attached. The common claim that universities deserve special treatment because they alone hire, promote, select, and retain personnel on the basis of merit, cannot be swallowed by the public. Yet real autonomy, the surrender of governmental subsidy, is viewed as unthinkable; and radical surgery, the total separation of University from State, is a "rational alternative" that entails a heroism not readily found amidst the easy comforts of the academy.

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Dazzling gadfly

BARTON J. BERNSTEIN

“IF THE [WARTIME atomic bomb] project could have been run on ideas alone,” one Nobel laureate later reported, “no one but [Leo] Szilard would have been needed.” A restless, creative physicist, Szilard had foreseen as early as 1933 the likelihood of producing nuclear chain reactions and atomic explosives; he took out patents in England on these ideas and assigned them without compensation to the British government in order to keep them secret. One of the pioneering scientists who labored on the Manhattan Project, Szilard was dazzling even in a generation that included J. Robert Oppenheimer, Hans Bethe, Ernest O. Lawrence, I.I. Rabi, and two Hungarian friends, Edward Teller and Eugene Wigner, who, like Szilard, had fled Hitler’s Europe.

More than the others, Szilard bubbled forth with scientific and political ideas; unlike the others, he delighted in challenging authority and in baiting the military. He could be impish, abrasive, zealous. Within his first eight years in America, he drafted the famous letter Albert Einstein sent in 1939 alerting President Franklin D. Roosevelt to the possibility of atomic weapons; lobbied to prod the government into beginning the A-bomb project; urged physicists in 1940 to impose secrecy voluntarily on atomic research that might aid Germany; organized scientists in 1945 to oppose the use of A-bombs on Japan; and, after the war,

crusaded to block military control of atomic energy. His published papers, including key correspondence from these years and later “Reminiscences” (published first in abridged form in 1968), provide valuable material for understanding the man and his career, and offer an insight into the relationship between science and the state in the twentieth century.

The editors, appreciating Szilard’s playfulness, chose their title from a story that the scientist mentioned in his “Reminiscences.” During the war, when chafing at the inefficiencies and bureaucratic impediments of the Manhattan Project, while worrying that America would fall dangerously behind Germany in the race for the A-bomb, Szilard told Bethe: “I am going to write down all that is going on these days in the project. I am just going to write down the facts—not for anyone to read, just for God.” “Don’t you think God knows the facts?” Bethe responded. “Maybe he does,” Szilard answered, “but not *this* version of the facts.”

Szilard enjoyed provoking army security agents, especially the imperious General Leslie Groves, director of the Manhattan Project. Like other scientists, Szilard recognized the need for security; unlike most others, who quietly ignored the army’s unreasonable restrictions, he openly condemned and brazenly violated them. The army’s rigidly defined compartmentalization of knowledge (“need to know”) was blocking the wide-ranging discussions, which, for Szilard and others, were so valuable in advancing scientific knowledge and in speeding the project.

Recently declassified Manhattan Project materials, not used by the editors, reveal that Arthur H. Compton, the Nobel laureate directing the Chicago Laboratory, tried to shove the abrasive Szilard out of the lab in late 1942. On October 26, Compton sent Groves a telegram: “Have given Szilard till Wednesday to remove his operation to New York. Action based on efficient operation of organization not on reliability. Anticipate probable resignation. Suggest army follow his [movements] but no drastic operation now.” Two days later, Groves drafted an order (for the secretary of war to address to the attorney general) ordering the incarceration of Szilard: “It is considered essential to the prosecution of the war that Mr. Szilard, who is an enemy alien, be interred for the dura-

tion of the war.” That action was never taken, perhaps partly because Compton reported on the same day that the situation in Chicago had improved.

Why had Compton urged Groves to relent? Probably Compton was disturbed by the injustice. He may have also feared that Groves would actually imprison Szilard. Such high-handed action would have enraged Manhattan Project scientists, produced demands for Groves’s resignation, and widened the breach between high-ranking scientist-administrators like Compton and James Conant, and the working scientists on the project.

Compton’s loyal enforcement of army rules, his recommendation of surveillance of dissenting scientists such as Szilard, and his reports of violations of army rules indicate that the so-called “community of scientists,” with its earlier unity of purpose and aggressive dedication to doing physics, was cracking under the pressures of war, the conflict of roles, and the differing definitions of responsibility. In late 1942, however, the cracks were only dimly visible to the participants, partly because they clung tenaciously to the myth of the “community,” but largely because they ardently shared a common purpose: to develop the bomb before Germany and to use it as a weapon to help defeat Hitler. They had no moral doubts about this goal, and thus brilliant, creative scientists put aside their concern with their careers in order, as they saw it, to defend the American state and society that they admired. When they complained, they usually assailed Groves and the military, not the scientist-administrators or higher ranking civilian officials.

By late 1944, spurred by Szilard and James Franck, another Nobel laureate, some of the Chicago scientists began to fear a postwar nuclear arms race with the Soviet Union and began to call for some system of international control to avoid that dangerous rivalry. Fearful that Roosevelt had not foreseen this danger, Szilard, with characteristic boldness, decided to present his views to the President; when FDR unexpectedly died, Szilard contrived to approach Truman. Truman shunted him off to James F. Byrnes, who was slated to become secretary of state. The Byrnes-Szilard meeting in late May was a debacle. The future secretary was outraged, as he later wrote, that Szilard believed

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that scientists "should discuss the [issue of the A-bomb] with the Cabinet. His general demeanor and his desire to participate in policy-making made an unfavorable impression on me." In turn, Szilard found Byrnes hostile, narrow, uninformed, naive, and bitterly anti-Soviet. He later recalled that Byrnes was not interested in *avoiding* the use of the A-bomb, but was actually *looking forward* to it as a possible solution to his problems with the Soviet Union. The future secretary was worried by Soviet policy in Eastern Europe, and believed that combat use of the weapon might make the Soviets more manageable.

Disappointed by Byrnes, Szilard returned to Chicago to help organize scientists to oppose the use of A-bombs on Japan and to avert a postwar arms race. At Chicago he received support from Franck and from others, often émigrés who had joined the project in what they long believed was a desperate race with Hitler. Groves never informed them that in early 1944 secret intelligence indicated that Germany had dropped out of the race, so the scientists continued to toil on the project. With the defeat of Hitler, some at Chicago were alarmed that the target had shifted to Japan.

Why didn't similar concerns emerge at Los Alamos? Partly because that laboratory lacked the critical mass of Szilard and Franck, and it had as its director J. Robert Oppenheimer, a charismatic leader who helped stifle dissent. But the primary reason may have been that the Los Alamos laboratory (devoted to construction of the bomb) was still working 16 to 19 hours a day, and often 7 days a week. The challenge of scientific problems, dedication to the task, and the commitment to the nation reinforced one another in subtle ways. As a result, on V-E Day, only one scientist left Los Alamos on the grounds that the race with Germany was over, and hence the bomb was unnecessary. Considering that the scientists' main purpose in joining the Manhattan Project had been to win that race, it is strange that his departure did not dent the commitment of others there, who continued their feverish labors.

The Chicago scientists circulated petitions at their own laboratory, and Szilard sent one to his old friend, Edward Teller, at Los Alamos. Teller refused to sign or circulate it, and replied: "If you should succeed in convincing me that your moral objections

are valid, I should quit working. I hardly think that I should start protesting." Teller argued that "actual combat-use might even be the best thing," for it would dramatically place the facts before the people and might convince them of the need to avoid future war. His main point, influenced by a conversation with Oppenheimer, was startling: "The accident that we worked on this dreadful thing should not give us the responsibility of having a voice in how it is to be used."

DID SCIENTISTS HAVE some unique responsibility, either because they had created the weapon or because they were the only citizens, other than top policymakers, who knew of its existence? Szilard and Franck, among others, answered in the affirmative; Teller and Oppenheimer, with others, in the negative. Oppenheimer also observed that since he and other top scientists were already advising on the political-moral issues, he could express the opinions of the rank-and-file scientists, which as one physicist explained, would make petitions "somewhat redundant and probably not satisfactory."

Yet, so far as the records reveal, Oppenheimer had never told high-ranking officials, especially those on the Interim Committee headed by Secretary of War Henry Stimson, that some scientists objected, morally and politically, to the use of the atomic bomb on Japan. Why not? Oppenheimer and his three associates on the Scientific Advisory Panel, Enrico Fermi, Compton, and Lawrence, had already dealt in mid-June with part of this issue, as presented by the Szilard and Franck petition sent from the Chicago Laboratory: Should there be a noncombat demonstration—on an unoccupied island, for example—in an effort to avoid using the bomb against Japan? Should the Soviet Union be informed in advance that America had developed the bomb? The four scientists favored the latter, but opposed the former: "We can propose no technical demonstration likely to bring an end to the war; we see no acceptable alternative to direct military use."

Such a decision required more knowledge than the four scientists possessed: How close was the Japanese government to surrender? How strong was its peace faction? What was the scheduled date for the forthcoming "small-scale" (about 750,000 troops) allied invasion? The scientists did not

know that the invasion was scheduled for early November, and thus the first two bombs would be ready three months before the troops would hit the shores of Kyushu. Strangely, these four advisers never even asked about such matters, and the question of a non-combat demonstration received little attention during their rushed mid-June weekend meeting.

Why had the panel been so unsystematic in examining the issue? They had come to assume simply that the bomb would be used against Japan, and they, like their superiors, were not seeking alternatives. There is no evidence that these scientists—any more than American political leaders—had any doubts about the morality of using the weapon against Japanese civilians. They were so caught up in the feverish race for the bomb that they never reflected on their purposes or assumptions. And the pressure from General Groves and Secretary Stimson to produce the bomb, further restrained any impulses to speculate or reflect. In turn, the existence of the Scientific Advisory Panel, and especially Oppenheimer's presence on it, served to quell protests from rank-and-file scientists: They believed that their interests and concerns were being heard by top policymakers. In establishing the panel, then, Stimson and Conant accomplished the purposes they had desired: Dissent was stifled through subtle cooptation.

Would the course of history have been different if Szilard's petition had reached the President, and not been kept by Groves, or if Oppenheimer and other scientist-administrators had raised moral and political objections in the summer of 1945 to combat use of the A-bombs on Japan? No. Scientists were servants, skilled intellectual employees, and their counsel would not have unsettled long-held assumptions that the A-bomb was just as legitimate as any other weapon, that it would help end the war with Japan, and that it would also intimidate the Soviet Union and render that nation tractable in the postwar period. Truman, Byrnes, and Stimson were not seeking alternatives to the A-bomb; its use did not raise moral issues for them, and even seemed attractive.

At the end of the war, the new director of the Chicago Laboratory recommended Szilard for a military decoration, a "Certificate of Appreciation," for his efforts with the Manhattan Project. Groves vetoed the recom-

nendation: "It is quite evident that Szilard] showed a lack of support, even approaching disloyalty, to his superiors," and added, characteristically, "This disapproval will be kept secret." Had Szilard known of Groves's veto, the physicist, who always resented injustice but also welcomed the army's enmity, might have taken pride in the general's decision. □

**AMERICA FOR SALE, by
Kenneth C. Crowe. Doubleday,
297 pp., \$10.00.**

Going, going, gone

STEPHEN CHAPMAN

THIS BOOK IS THE product of two regrettable impulses. One is the insistence of competent journalists on writing unnecessary books. Many of them make the mistake of thinking that if dealing with a subject in a newspaper or magazine article is good, then writing a book about it must be better. Unfortunately this is rarely true. Any number of books by journalists handle subjects either too thin or too dull to be worth 300 pages. The subject of *America for Sale*, foreign investment in the United States, is both. Samuel Johnson had the likes of Kenneth Crowe in mind when he wrote (in a magazine essay, mind you): "No place affords a more striking conviction of the vanity of human hopes than a public library." Crowe, on the other hand, may have taken another Johnson maxim as his guide: "No man but a blockhead ever wrote except for money."

The other impulse responsible for his book lies in that strain of American racism and xenophobia manifested in current attitudes toward Arabs. Now, it is one thing to be keenly concerned about the safety of Israel in a largely hostile world, and entirely another to despise all Arabs

merely because they are Arabs, or even because some of them have a lot of money. It's roughly comparable to the difference between wanting to defeat the Kaiser during World War I, and saying, as Sam Rayburn did, that the United States should "close the immigration gates and open up the emigration gates to deport a lot of European trash we have accumulated." My favorite example of the excesses this sort of thinking can inspire is a recent column by Michael Novak that ascribed the popularity of the King Tut exhibit to American fascination with the new-found oil wealth of the Arab countries. "Through King Tut, lust for Arab money can be disguised beneath admiration for Egyptian art," said Novak, in a moment of unwitting self-parody. "If oil is vulgar, gold is not."

Still, this material might have been worth reading if it had appeared in an appropriate version in Crowe's own *Newsday* and if it had considered serious questions about the implications of foreign investment instead of merely exploiting latent Know-Nothingism. As a book, it manages the difficult feat of attaining neither scholarship nor readability. It has no prospect of making the best-seller list. Nor does it have any value as a polemic, since Crowe either doesn't know or won't say exactly what he thinks about all the foreign investments he catalogues. One gets the idea he doesn't like them, especially those made by Arabs, but not until the last chapter—the last paragraph, really—does he suggest what to do about them.

Crowe does drop hints here and there; the strongest direct comment he allows himself is to characterize foreign investment as "an economic

violation of the Monroe Doctrine"—as if the Monroe Doctrine were still enshrined in American hearts. (When was the last time you heard someone mention the Monroe Doctrine, much less defend it?) A good example of his procedure otherwise is his chapter on foreigners buying up American newspapers and magazines. (It's titled "Wuxtra! Wuxtra! Wuxtra! First Amendment Gadgets for Sale!" and for all I know this title may mean something.) Crowe raises the old and beloved specter of Rupert Murdoch taking over all of American journalism and reducing it to the execrable level of the press back in his native Australia. Granted, Murdoch's *New York Post* has no redeeming features as a newspaper, but one would be hard-pressed to prove that it is measurably worse than the *Daily News*—Murdoch may be a scoundrel, but he hasn't, after all, stooped to hiring Jimmy Breslin or Pete Hamill. Nor should we forget that it was Murdoch's purchase of *New York* magazine that gave us the lovely spectacle (all too brief) of an unemployed Clay Felker. But in this instance, as in the others cited by Crowe, it is not the abuses by foreign investors but the mere presence of these aliens that is supposed to make the reader's blood run cold.

So what's wrong with foreigners buying U.S. real estate or stock in American companies? Crowe ignores the irony of Americans feeling threatened by what U. S. investors have been doing abroad for decades. He sees all sorts of insidious consequences, but some of his examples are less than telling. Mobil, he notes, responded to a threat early in 1973 (before the Arab oil embargo) from Saudi Arabia's King Faisal by running an advertise-



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ment in the *New York Times*. Unfortunately for Crowe's case, the ad didn't parrot Arab propaganda. "Like it or not, the U. S. is dependent on the Middle East even just to preserve our present living standard in the years ahead," said Mobil. "We must learn to live with the people of these two countries [Saudi Arabia and Iran]. . . ." Even the Anti-Defamation League probably couldn't get exercised about that. There may be some who would lose sleep knowing that Prince Fahd's public relations agent managed to plant a favorable cover story about His Majesty in *Family Weekly*, but I'm not one of them. *Family Weekly* may have one of the highest circulations of any magazine in America, but I'd bet that a poll taken the week after the story appeared would show that Prince Fahd had the same national name recognition as Wassily Leontief.

In any event, there isn't much foreign investment in the United States. As Crowe notes, the Treasury Department figures that foreigners all together—citizens of nations with widely differing foreign policy aims—own only about four percent of the voting stock in American corporations. For every foreign dollar invested here, Americans invest four dollars abroad. For the most part, everyone gains from such arrangements. If the Arabs own stock in American firms they may be more solicitous of our economic interests, which are thereby entangled with their own. Or as one "middleman" interviewed by Crowe suggested, if the Saudis owned Gulf Oil, then they would be hurt by any new embargo against the United States. The interdependence that grows out of such investments works over the long run to encourage harmony instead of the disputes that arise when nations have only isolated and conflicting interests.

Overall, foreign investments, to the extent that governments stay out of the picture, can work only to the good. Here at home, they provide jobs and goods that otherwise might not be available. Internationally, they promote peace by giving other nations a stake in our economic health and political stability. Enacting an "economic equivalent of the Monroe Doctrine," as Crowe urges, would impair American economic growth and heighten the dangers in an already volatile world. And nothing in this book suggests that we would enjoy the slightest gain to compensate for these sacrifices. □

F I L M

MOVIE MOVIE, directed by Stanley Donen.

THE WIZ, directed by Sidney Lumet.

Follies of 1978

STEPHEN HARVEY

IF NOTHING ELSE, 1978 MAY well have been the year when Late Show sentimentalists finally stopped lamenting that "they don't make them like that anymore." Almost every recent escapist movie not aimed at the jolly eighth-grade anarchist lurking inside us (à la *Animal House*, *Up in Smoke*, *I Wanna Hold Your Hand*) is busy massaging our fond movie memories. Even leaving aside outright remakes like *Heaven Can Wait*, moviegoers have been courted with all those cute romances with Glenda or Farrah standing in for Carole or Claudette (*House Calls*, *Somebody Killed Her Husband*), Hawksian male skylarks (*Hooper*, *Convoy*), Bogartian intrigue booby-trapped with Neil Simon punch lines (*The Cheap Detective*), and *Grand Hotel* on paddlewheels (*Death on the Nile*), among a multitude of others.

Significantly, except for *Death on the Nile* (Agatha Christie being a law unto herself) and *The Cheap Detective* (Simon having the same status), all these movies have transplanted the period pieces into contemporary settings, and with good reason, too. Not long ago, the failure of films from *Hearts of the West* through *Won-Ton-Ton* and *New York, New York* proved that while old-fashioned formulas might have their appeal, the entertainment eras that spawned them seem impossibly re-

mote and uninteresting to the majority of film fans for whom even the fifties are practically prehistoric.

Thus an indulgence in nostalgia such as *Movie Movie* can only be a labor of love, since it's an act of commercial suicide if ever there was one. There hasn't been such a single-minded attempt at celluloid reincarnation since Ken Russell's *The Boy Friend*, and we all remember how popular that was. A condensed double-feature-in-one, with a bogus "coming attractions" stitching the two halves together, *Movie Movie* celebrates the days when Hollywood studios were genuine factories, each with its own stylistic trademark, recycling the same sets, genre clichés, and stock company contract players in one assembly-line programmer after another. Specifically, it's a tribute to "Warren Bros.," haven of snarling Scarfaces, hard-bitten blondes, and the poor-but-honest upwardly mobile. "Dynamite Hands" (*Movie Movie*'s first half) is aimed at every Kid Galahad who ever went ten rounds with destiny, while "Baxter's Beauties of 1933" eulogizes all those plucky kids who once sang and danced their hearts out in that sound-stage 42nd Street of cherished memory.

By far the cleverest thing about *Movie Movie* is the way it lampoons the bargain-basement gloss and shameless self-plagiarism that was really what most neighborhood movie-house fodder was all about. Both "Dynamite Hands" and "Baxter's Beauties" open with the same newsreel stock shot of Park Avenue. Meanwhile, back at the studio, ringside melodrama and backstage high jinks are triggered by mysterious maladies diagnosed by trusty doc Art Carney—tenement angel Angie's blindness that will cost her brother "\$12,500 an eye" to cure, and impresario Baxter's bout with a rare affliction "which mainly attacks show people." Moving right along to their respective finales of death and regeneration, both stories tarry briefly in the same chrome-and-black-bakelite, mock-Manhattan night spots, before blowing the art director's budget on the obligatory Great White Set: the underworld lair of gangster Eli Wallach in the former yarn, and Trish

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Van Devere's three-acre stage dressing room in the latter.

Since all this is bound to seem a pretty academic exercise to most audiences, the only hope for the likes of *Movie Movie* is to sustain the required atmosphere accurately enough to placate those buffs who care about the subject in the first place. "Dynamite Hands" has more than its share of apt visual jokes—pug Joey Popchik's rise to the top via the inevitable montage of uppercuts, speeding locomotives, and cheering crowds; the establishing racking shot past cardboard walls into Momma Popchik's homey hovel, and the like.

Better yet, the script by Larry Gelbart and Sheldon Keller has a wicked knack for recapturing all that gutter-nerade lingo. The exactness and gusto of the film's best moments aren't surprising, considering its directors and screenwriters. Gelbart and Keller mastered this brand of parody while contributing to the Sid Caesar show a generation ago, and Stanley Donen once codirected the best movie-movie spoof of them all, namely *Singin' in the Rain*.

Yet as happens with most Hollywood satires, on large screen and small, *Movie Movie*'s comic targets lose their specificity as its creators drag in film clichés from every era for a quick guffaw. Most of the time, *Movie Movie*'s subject is obscured in a haze of references, conscious or not, to the era of Donen and Co.'s own professional flowering—namely the fifties. The black-and-white photography of "Dynamite Hands" is more 1952-dreary than 1937-murky, and the prim librarian heroine (again Trish Van Devere) cooing bromides to her pigeons on the tenement roof is straight out of Eva Marie Saint in *On the Waterfront*; even the musical score is more early rev "Fractured Flickers" than Max Steiner.

"BAXTER'S BEAUTIES OF 1933" is, if possible, even more anachronistic. It's rendered in the opalescent, overlit colors of the M-G-M musical, circa 1950 (*Singin' in the Rain*, for one), and the big moment for lithe-legged juvenile Barry Bostwick is a direct steal from Styne and Sondheim's "All I Need Now Is the Girl" from *Gypsy*—a musical from the late fifties about the early thirties.

Early into "Baxter's Beauties"

spirits droop at the prospect of sustaining the same campy joke much longer. The script manages one or two treasurable quips—Baxter's order to find "more sequins for the Mine Shaft number," for instance—but it all seems so unnecessary by now. Even if *Dames at Sea* hadn't done it better, the backstage musical has been pilloried so often and in so many media that there's not a single satirical variation left. Besides, what's the point of guying the absurdities of the Busby Berkeley school if you can't match its expertise as well? In place of the tunelessly inane Dubin and Warren chestnuts, the "Baxter's Beauties" song takeoffs are merely banal; where the Berkeley production numbers were delirious and expansive, the Michael Kidd-choreographed finale is claustrophobic and variety-show tacky—all ramps and tinsel.

Of all the cast, only Bostwick can seem to find the right shadings of caricature to revive this slew of archetypes. Ingenue Rebecca York is competent and anonymous where Ruby Keeler was uniquely klutzy, and the generally infallible Barbara Harris misguidedly substitutes blank-eyed wooziness for Joan Blondell's as-tringency. Worse yet, Harris doesn't get to warble a single satirical note, even though she's the one member of the cast most qualified to do so.

If I haven't mentioned before that George C. Scott is the ostensible star of *Movie Movie*, I think it's because that fact is so easy to forget. Maybe it was

the sheer improbability of it that made the idea so appealing to him and the film's packagers, but casting Scott turned out to be just one more gimmick in a project already overburdened with a case of the cutes. I can't think of many depression-era screen equivalents of someone like Scott, and in any case, the few who come to mind (John Barrymore, perhaps Charles Laughton) are outside the satirical scope of *Movie Movie*. Scott might easily have made up for the fact that he really doesn't belong here by putting some of his well-known obstreperousness to use for comic purposes—yet for some reason he has opted for underplayed self-effacement. In "Dynamite Fists," as the elderly, stoop-shouldered fight promoter with a heart the size of Madison Square Garden, he is genial but superfluous; but as the rouged and pomaded Spats Baxter, Scott seems to have been prematurely embalmed along with the character. Any movie that manages to make George C. Scott seem invisible has to be pretty eccentric stuff.

Nevertheless, *Movie Movie* positively scintillates compared to *The Wiz*. I suppose there's no point trying to dissect the limitless ineptitude of a film like this all-black update of *The Wizard of Oz*, but I still have a few questions for its perpetrators.

FIRST OF ALL, IF YOU'RE planning to launch the most expensive song-and-dance epic ever, why entrust it to a director who's



PAUL ANDERSON

never done a musical before, much less a screenwriter with Joel Schumacher's tawdry credits (*Car Wash*, et. al.), and a choreographer with no film experience whatsoever? Sidney Lumet has a deserved reputation for his skill in handling dramatic actors and in capturing a gritty urban atmosphere on screen—both irrelevant here, to put it mildly. If *The Wiz* is any indication, apparently Lumet has never even seen a musical before. In any case, shouldn't common sense have told him that it's a waste to enlist a roster of stellar musical performers and then block the numbers so that the audience can't see what the cast is up to?

In this *Cleopatra* of musicals, either the principals are hidden behind a screen of preening, hurtling extras, marshaled together by Louis Johnson in a style best defined as Middle Caesar's Palace, or else they're photographed from such a distance that you can barely make out the expressions on their faces. Throughout one of the few real rousers in the score, "Ease on Down the Road," Dorothy (Diana Ross) and the Scarecrow (Michael Jackson) recede from view with their backs to the screen. Unless the point was to keep the audience detached emotionally from the proceedings, why was all this compounded by Dolbyizing the sound so completely that the performers' voices seem totally disembodied?

Admittedly, Vincente Minnelli at his apex couldn't have salvaged a script as doleful as Schumacher's. Box office pressures with Ross in the title role may have dictated changing Dorothy from a wistful kid to a maladjusted grown-up with a rich fantasy life, but the script that resulted is a complete muddle. Are we really supposed to identify with a grown woman who spends all of her time sobbing to her little dog about how homesick she is? At the same time, her experiences in the script's Gotham-Oz are supposed to teach her that with all its perils, there's a wonderful real world waiting out there to explore—yet the Oz that we see would send sturdier stock than this Dorothy right back into the hall closet.

Not that Schumacher is completely to blame. Tony Walton's sets and costumes are supremely elaborate, all right, but why does everything look so joyless and sterile? The coziest set in the picture is Wicked Witch Evillene's sweatshop, and that's the one meant to exude campy horror. As for the inhabi-

tants of this dreary hallucination, when did it stop being racist for whites to dress up hapless black performers as bullying monkeys and dancing crows?

In light of all this, Diana Ross had more to contend with in the lead role than she might have bargained for. Just the same, was it absolutely necessary for her to play Dorothy as one long audition for a remake of *The Snake Pit*? Stripped of the unflappable showbiz glamor that made her a star in the first place, she spends almost the entire picture flinching and cowering, dutifully popping her weary eyes and baring her teeth whenever Lumet turns the camera on her. She even

whines when she sings.

No wonder, then, that when Lena Horne belts out her fervent semi-gospel turn in the next-to-closing spot, the picture finally comes to life for a moment. Although she is done up like an F.A.O. Schwarz Christmas fairy, Horne gives off the kind of energy and authentic stardust that movie musicals are all about—and she, at least, is photographed so that you can see her. Condolences are in order for Richard Pryor (*The Wiz*), Nipsey Russell (*The Tin Man*), Ted Ross (*The Cowardly Lion*), and the rest of the cast, all of whom flail about valiantly in this quagmire. □

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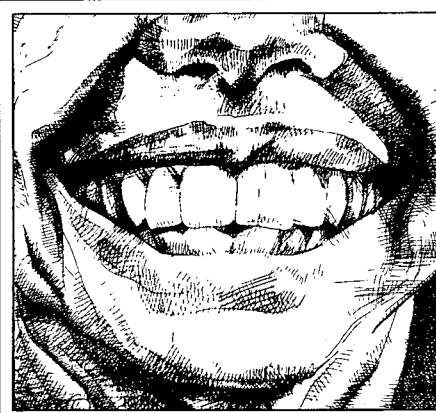
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